



## CASE REPORT

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 234/09   |
| 2. Advertiser                 | Kellogg's  |
| 3. Product                    | Food & Beverages   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Food and Beverage Code – inaccurate<br>taste/size/content/nutrition/health claims |
| 6. Date of determination      | Wednesday, 10 June 2009  |
| 7. DETERMINATION              | Dismissed  |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Nutrigrain opens with an adolescent boy coming home after school. His mother says “So, how was school?” The boy sits at the table and nods, smiles and mumbles unintelligibly while a subscript reads “Great thank you Mum...it was an action packed day”. The mother smiles, hands the boy a box of Nutrigrain and says “Sounds like you have been busy. What’s next?” as we see milk pouring into the cereal. The boy again mumbles and the subscript reads “I still have lots to do...first a surf and then to the gym”. The mother smiles while a voice-over says “Nutrigrain is one of the highest protein cereals. As part of a balanced diet it is a nutritious choice for your growing boys after their snack.” Words on the screen state “also contain essential vitamins and minerals”. The boy leaves the table and reappears in a wetsuit carrying a surfboard. Before going out the door to the surf, he nods and smiles at his mother and the subscript reads “Thanks for the talk, Mum”. The mother smiles and a voice-over says “Nutrigrain – Iron man food” as the Nutrigrain logo appears on the screen.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*It sends all the wrong messages to families that sugar loaded breakfast cereal should be an after school snack and has no value in teaching young people the correct way to eat  
Do we have a major obesity problem in this country? YES! This advert adds fuel to the obesity problem.*

*I find these advertisements very objectionable on the grounds that they are incredibly sexist in several ways:  
-they portray, as many ads do, that boys are and should be the focus of attention in the marketing of the product and also in the care they receive from a parent.  
-they portray women as mothers whose sole purpose in life seems to be at the beck and call of their male children.*

*It reinforces damaging, sexist and outdated stereotypes. It belittles the mother and son.  
Mother role: Staying at home, living to serve her (male) child, not being dignified by a proper rely from her son when she questions him.*

*Son:*

*Can't speak properly (and we are supposed to find that endearing?) is not respectful, his presented as very one dimensional.*

*Would we ever, ever seen the gender roles reversed? Never. This add is incredibly offensive.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*With regard to the complaints that the Advertisement discriminates or vilifies the female gender. The aim of the Advertisement is not intended to be discriminatory or vilifying of females. As male teenagers are the target market of Kellogg's Nutri-Grain, the aim of the Advertisement is to promote Kellogg's Nutri-Grain to mothers of male teenagers as a choice for an after school snack while at the same time presenting in a humorous way how some male teenagers communicate with adults.*

*With regard to the complaint that the Advertisement breaches prevailing community standards on health and safety and section 2.6 of the AANA Food & Beverages Advertising & Marketing Communications Code, the aim of the Advertisement is to promote to mothers of male teenagers Kellogg's Nutri-Grain as a choice for an after school snack for active male teenagers, as part of a balanced diet.*

#### **Complaints**

*We note that three complaints were received by emails dated 12, 13 and 14 May 2009. For ease of reference we will identify each complaint by reference to the email date.*

#### **Complaint - email dated 12 May 2009**

*We note that the complainant alleges the Advertisement:*

- *Breaches section 2.1 of the AANA Advertiser Code of Ethics - discrimination or vilification of gender;*
- *Reinforces damaging, sexist and outdated stereotypes: mother's role is to stay at home living to serve her male child while son cannot speak properly and is not respectful.*

#### **Complaint - email dated 13 May 2009**

*We note that the complainant alleges the Advertisement:*

- *Breaches section 2.1 of the AANA Advertiser Code of Ethics - discrimination or vilification of gender;*
- *Is sexist because boys are the focus of the marketing of the product;*
- *Women are portrayed "as mothers whose sole purpose in life seems to be at the beck and call of their male children";*
- *"Ignores the fact that many young women are active and participate in Ironwoman competitions, gym etc";*
- *"Ignores the fact that many women and girls need to play more sport and should be actively encouraged to do so;"*
- *"Reinforces what is common in many third world countries - that girls really don't count much and that male children are the ideal".*

#### **Complaint - email dated 14 May 2009**

*We note that the complainant alleges the Advertisement:*

- *Breaches section 2.6 of the AANA Advertiser Code of Ethics - material contrary to Prevailing Community Health Standards on health and safety;*
- *Breaches section 2.6 of the AANA Food & Beverages Advertising & Marketing Communications Code (**Food & Beverage Code**);*
- *Sends the wrong messages to families that sugar loaded breakfast cereals should be an after school snack and has no value in teaching young people the correct way to eat.*

*Kellogg does not believe that the Advertisement is in breach of the AANA Advertiser Code of Ethics. In particular Kellogg does not believe that the Advertisement:*

- *breaches section 2.1 of the AANA Advertiser Code of Ethics through gender discrimination or vilification;*
- *breaches section 2.6 of the AANA Advertiser Code of Ethics by depicting material contrary to Prevailing Community Health Standards on health and safety; or*

- breaches section 2.6 of the Food & Beverage Code (and thereby a breach of section 2.8 of the AANA Advertiser Code of Ethics); or
- breaches section 2.4 of the AANA Advertiser Code of Ethics as Kellogg believes that the Advertisement does not fall under the definition of "Advertising or Marketing Communications to Children".

For ease of reference we set out below the relevant sections of the above Codes.

#### Section 2.1

Section 2.1 of the AANA Advertiser Code of Ethics provides that "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

#### Section 2.4

Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing to Children applies.

#### Section 2.6

Section 2.6 of the AANA Advertiser Code of Ethics provides that "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

#### Section 2.8

Section 2.8 of the AANA Advertiser Code of Ethics provides that "Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code".

#### Section 2.6 - Food & Beverage Code

Section 2.6 of the Food & Beverages Code provides that "Advertising and/or or Marketing Communications for Food and/or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, shall be specific to the promoted product/s and accurate in all such representations."

The Advertisement depicts a male teenager returning home from school for an after school snack before heading out for a surf. In Kellogg's view the Advertisement is not intended to discriminate or vilify the female gender by suggesting that:

- a mother's role is to stay at home living to serve her male child;
- teenage males are disrespectful to mothers;
- teenage females are not as active as teenage males;
- teenage females should not be encouraged to participate in sport or be active; or
- girls don't count as much as male children.

Kellogg notes that the Advertisement does not include female teenagers acting similar to the male teenager, including going surfing, because the aim of the Advertisement is to promote Kellogg's Nutri-Grain to mothers of male teenagers as a choice for an after school snack, as male teenagers are the target market of Kellogg's Nutri-Grain. Kellogg does not believe that the humorous depiction of how some male teenagers communicate to adults, including their mothers, is disrespectful.

In Kellogg's view the Advertisement is not intended to breach section 2.6 of the AANA Advertiser Code of Ethics or section 2.6 of the Food and Beverage Code, by depicting material contrary to Prevailing Community Standards on health and safety or by misrepresenting claims relating to the material characteristics of Kellogg's Nutri-Grain. The Advertisement notes by way of voice-over and super the various characteristics of Kellogg's Nutri-Grain cereal including its protein content as well as the essential vitamins and minerals. Kellogg further notes that each pack of Kellogg's

*Nutri-Grain cereal features a nutrition information panel which provides nutritional information on Kellogg's Nutri-Grain.*

*The aim of the Advertisement is to offer to mothers of active male teenagers Kellogg's Nutri-Grain cereal with milk as a choice for an after school snack. The Advertisement states that the choice of Kellogg's Nutri-Grain as an after school snack is part of a balanced diet. As to whether a parent offers Kellogg's Nutri-Grain to their teenage children as an after school snack, is a decision for each parent.*

*In Kellogg's view the Advertisement is not an advertisement that would be defined to be "Advertising or Marketing Communications to Children" as defined under the AANA Code for Advertising & Marketing Communications to Children (**Marketing to Children Code**). The Advertisement was developed to communicate to mothers (ie main grocery buyers of the household) that Nutri-Grain could be offered as an after school snack. This is supported by the theme, language and visuals of the Advertisement such as the nutritional messages. While Kellogg notes the Advertisement features a male teenager, the male teenager is aged 16 years and not a "child" as defined under the Marketing to Children Code.*

*Kellogg's media buy for the Advertisement is targeted towards mothers who are the main grocery buyers of the household. This is supported by the attached media schedule with the majority of television shows airing after 7pm. The television shows include "Brothers and Sisters", "All Saints", "Sunrise", "Grey's Anatomy" and "The Oprah Winfrey Show". Although there may be some children watching television during the times that the Advertisement is aired, Kellogg's media buy is not targeted towards children.*

*In the event that the Board does not accept Kellogg's position that the Advertisement is not "Advertising or Marketing Communications to Children", Kellogg's view is that even if the Advertisement does fall under the Marketing to Children Code, the Advertisement does not breach that Code.*

*Kellogg takes very seriously compliance with the AANA Code of Ethics, including the AANA Food & Beverages Advertising & Marketing Code.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement depicts women in stereotypical roles, shows children being disrespectful and inappropriately presents NutriGrain as an appropriate after school snack.

The Board first considered section 2.1 of the Code which requires that advertisements shall not depict or portray people or material in a way which discriminates or vilifies a person or section of the community on account of gender. The Board considered that the advertisement depicts a boy coming home after school to his mother. The Board considered that the depiction of the mother preparing an afternoon snack for her son is not inappropriate or demeaning to women or in any way discriminatory or vilifying. The Board considered that the depiction of the boy speaking in monosyllables or 'grunts' was an accurate depiction of how many children interact with their parents once they are teenagers - and the superimposed text indicating what the 'grunts' mean is an indication of an understood method of communication between parents and children (desirable or otherwise). This representation does not indicate lack of respect for mothers or women.

The Board also noted concern that the male child is depicted as rude and uncommunicative. The Board considered that the representation of the boy is light hearted and meant to be indicative of how teenage boys can behave but does not indicate that this is the only manner in which they behave or that by behaving in this manner there is no effective communication. The Board considered that this depiction did not discriminate against or vilify teenage boys.

The Board noted some concern from a complainant that the product is described and depicted as being suitable for boys and that this discriminates against girls. The Board noted that the advertisement does not suggest that the product is not suitable for girls and noted that the advertiser has a right to choose its target market and audience (in this case teenage boys and their parents). The Board considered that failing to mention that girls might enjoy this product as well as boys is not

discriminatory or vilifying of girls and that the image of a mother and son does not suggest that girls do not participate in outdoor activities.

The Board then noted the comments from complainants about the nutritional quality of Nutrigrain and its suitability as an afternoon snack. The Board noted that the advertisement states 'Nutrigrain is one of the highest protein cereals' and that as 'part of a balanced diet it is a nutritious choice for your growing boys afternoon snack'.

The Board noted research on cereals undertaken by Choice and that Nutrigrain is not in the list of 'recommended healthy cereals' and that 'The Parents Jury' consider Nutrigrain Grain 'fails to meet most criteria for a healthy cereal.'

The Board noted that the advertisement states that Nutrigrain 'is one of the highest protein cereals. As part of a balanced diet it is a nutritious choice for your growing boys after their snack.'

The Board considered section 2.1 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) which requires that advertising 'shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the [advertisement] with an accurate presentation of all information including any references to nutritional values and/or health benefits.'

The Board noted the information from the advertiser about the protein content of Nutrigrain and the protein content relative to a number of other popular breakfast cereals. The Board noted the information provided by the advertiser and considered that the advertisement overall was not untrue or misleading and not in breach of section 2.1 of the Food Code.

The Board noted the comment regarding Nutrigrain as a 'nutritious choice'. The Board noted that nutritious is a vague term used to suggest that there is some property of the food which will contribute to growth and sustenance and considered that it is not a strong suggestion that the product is 'healthy'. The Board noted that the boy in the advertisement is shown eating a serve of the product and then heading out the door to go surfing and to the gym. The Board considered that this is a good depiction of the product being consumed in the context of a healthy active lifestyle and that the advertisement specifically states that the product is a nutritious choice when consumed as part of a balanced diet.

The Board noted a level of community concern about childhood obesity and the need for parents and children to make health food choices. The Board considered that this level of community concern did not translate into a community standard that products that don't meet certain nutritional standards may not be advertised to adults. The Board considered that this advertisement did not overstate any nutritional qualities of the product, clearly presented it as a snack in the content of a balanced diet and an active lifestyle, and communicated this in a manner that is appropriate to the level of understanding of parents of teenage boys.

The Board considered that the advertisement did not breach section 2.1 of the Food Code in any manner.

The Board considered that the advertisement did not in any way undermine the importance of healthy or balanced lifestyles and did not breach section 2.2 of the Food Code. The Board considered that the advertisement did not breach section 2.8.

The Board considered that the advertisement is not an advertisement directed to children and that section 3 of the Food Code and the AANA Code for Advertising to Children do not apply to this advertisement.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.