



## **CASE REPORT**

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| 1. Complaint reference number | 446/08   |
| 2. Advertiser                 | Ferrero Australia Pty Ltd  |
| 3. Product                    | Food and Beverages   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Food and Beverage Code – undermines healthy lifestyle<br>Food and Beverage Code – inaccurate<br>taste/size/content/nutrition/health claims<br>Food and Beverage Code (Children) – misleading/deceptive |
| 6. Date of determination      | Wednesday, 12 November 2008  |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Ferrero Australia for its Nutella product begins and ends with a boy playing with a toy plane. A voicover asks "What does he have for breakfast?" and then lists what is described as a balanced breakfast which includes a glass of milk, a piece of fruit and two slices of toast with Nutella. The voiceover then lists the ingredients in Nutella (premium hazelnuts, cocoa and milk) and ends with the statement "It takes a lot of energy to be a kid".

## **THE COMPLAINT**

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

*The advertisement is aimed at children and parents. It encourages them to believe that Nutella is a healthy food for children to consume. However, Nutella has more sugar in it than any other single ingredient. Furthermore, Nutella contains more than 50% sugars and 10% saturated fat. These figures are on the label of the Nutella jar. With childhood obesity and diabetes at alarming levels, parents and children need to be encouraged to eat foods that are really healthy, rather than being misled into believing that Nutella is good for you.*

## **THE ADVERTISER'S RESPONSE**

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

*I am writing on behalf of Ferrero in relation to the consumer complaint against our Nutella brand campaign Reference 446/08.*

*As a global family business operating in the Australian market for the last 30 years, Ferrero is committed to providing their consumers with open and honest communication. Nutella has worked diligently over the past year to ensure that their recent marketing campaign delivers a strong and trustworthy message to our Australian consumers.*

*Ferrero, like all socially-responsible companies, appreciates that the problem of child obesity is a serious one and requires careful attention. But, the increasing incidence of child obesity in our community is not the result of one factor: it is multi-causal, the causes of which are, to date, not yet fully understood.*

*It seems reasonable to assume that many aspects contribute to the development of obesity and, among these, the imbalance between energy absorption and energy expenditure probably plays an*

*important role - both in terms of quantity and of quality of the imbalance.*

*Nutella advocates portion control and use as part of a balanced diet. Our recommended balanced breakfast, incorporating Nutella, and used across all advertising imagery was developed in consultation with Food and Nutrition Australia (FNA). It has been qualitatively tested with Australian mothers to ensure it is acceptable within the local market. Including three of the major food groups, the breakfast provides you with 24 percent of daily recommended energy, in line with the recommended 20-25 percent energy for breakfast.*

*The hero breakfast developed by FNA includes the following:  
Grain: 2 x slices of high fibre white toast with log of Nutella on each  
Dairy: 1 x glass reduced fat milk  
Fruit: 1 x banana*

*The reason for highlighting hazelnuts, milk and cocoa as the hero ingredients is that they create the distinctive Nutella texture and taste that people have loved for generations.*

*In addition to advocating portion control of Nutella, the company made a global commitment in 2008 to cease advertising to children. This included stopping any television advertising where the television audience is made up of more than 50 percent of children below the age of 12.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code"), the AANA Code for Advertising to Children (the "Children's Code") and the AANA Food and Beverages Advertising and Marketing Communications Code (the "F&B Code").

The Board considered section 2.1 of the Code which states:

*Advertising and/or Marketing Communications for Food and/or Beverage Products 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 Advertising and/or Marketing Communication with an accurate presentation of all information including any references to nutritional values and/or health benefits.*

The Board noted the complainants' concern that the advertisement depicts the product as being a healthy food for children to consume, when it in fact has high sugar and saturated fat levels. The Board considered that the complainant in part appears to object to the product itself. The Board noted that advertisers have the right to advertise legal products provided that in such advertising they do not breach the relevant Codes. The Board considered that the advertisement was careful not to state that the product is a 'healthy product', rather the product was depicted as part of a balanced breakfast. The Board also noted that the advertisement depicts the child being very active. The Board considered that the representation of the product in the advertisement was as part of a balanced diet and in the context of an active lifestyle. The Board noted that the advertisement does not mention the sugar or saturated fat content of the product, but that the F&B Code does not require that all ingredients of a product are described in an advertisement.

The Board noted that the advertisement referred to children needing energy and was suggestive that the product had some energy value, which was not disputed. The Board considered that those references to the product as part of a balanced diet were not misleading or deceptive and did not contravene Section 2.1 of the F&B Code.

The Board considered there was no breach of any other provisions of the F&B Code.

The Board considered that the advertisement was not directed primarily to children and therefore determined that section 3 of the F &B Code and the Children's Code did not apply.

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