



CASE REPORT

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| 1. Complaint reference number | 501/09 |
| 2. Advertiser | Cadbury |
| 3. Product | Food & Beverage |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Other - Social values
Food and Beverage Code – inaccurate
taste/size/content/nutrition/health claims
Food and Beverage Code – other |
| 6. Date of determination | Wednesday, 11 November 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a purple Lotus vehicle and several dogs lined up on a racing track. The Lotus starts to drive and as the car is driving along, the back passenger window is depicted slowly unwinding to reveal a brown dog who begins to raise his head and look outside the window. The next dog is a bulldog and he has his tongue hanging out of his mouth looking very happy ... the advertisement depicts another two dogs in the Lotus and at the end a kelpie style breed is depicted carrying a chequered flag.

The ad ends with a large purple screen depicting the Cadbury Dairy Milk logo of one and a half glasses of full cream milk.

THE COMPLAINT

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

For 30 years Cadbury produced a 250gr family block of chocolate and said it contained a glass and a half of milk goodness in the block. Cadbury now only packages a 200gr family block and advertise the same glass and a half milk goodness in every block, how can that be, how can they advertise the same glass and a half when the family block is now 50gr less? This is false and misleading.

THE ADVERTISER'S RESPONSE

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

1. INTRODUCTION

We understand that the Advertising Standards Bureau ("ASB") has received a consumer complaint in relation to the Cadbury Dairy Milk milk chocolate TV advertising. While the complaint does not specify, we assume it relates to our Dogs in Cars television commercial ("Dogs in Cars TVC") as it was on air on 21 October 2009 (being the date of advertising referred to in the complaint). The ASB is considering whether the Dogs in Cars TVC depicts material contrary to Section 2 of the AANA Code of Ethics and Section 2.4 of the Food & Beverages Advertising & Marketing Communications Code (the "Codes").

Cadbury takes all complaints seriously, consistent with our business principles of acting fairly and responsibly. It is never our intention to cause any misunderstanding to any member of the community through our marketing activities. Accordingly, we have sought to give detailed consideration to this recent complaint in order to provide the most comprehensive and appropriate

response.

For the reasons outlined below, we do not consider that the Dogs in Cars TVC depicts material contrary to the Codes.

2. ADVERTISING CONTEXT

The Dogs in Cars TVC is the third advertisement in the Glass and Half Full Productions campaign (“GHFP”) for the Cadbury brand. The creative ideas of GHFP revolve around entertainment and fun. In particular, GHFP is about creating an enjoyable piece of entertainment that makes people smile and feel joy. The first execution in this series was the Gorilla campaign which aired in late 2008 and was relaunched in March 2009. The second was the Eyebrows TVC which aired in April 2009, with the third instalment Dogs in Cars on air since 16 October 2009.

3. THE CURRENT ADVERTISING CAMPAIGN: COMPLAINT RESPONSE

The idea behind the Dogs in Cars campaign is to capture that moment of joy dogs experience when they have their head out the window of a car which is a parallel to the joy consumers feel when enjoying Cadbury Dairy Milk milk chocolate.

The Dogs in Cars commercial closes with a pack shot of the 200g Cadbury Dairy Milk milk chocolate block and the tag line “A Glass and a half full of joy” to express the optimism that life should be enjoyed as a “Glass and a half” full.

This advertisement was not intended to make representations about the nutritional content of the product. However, we understand the consumer’s interpretation of the “Glass and a half” as referring to the goodness of milk. In particular, the consumer complaint questions why the “Glass and a half” claim has remained the same even though the Cadbury Dairy Milk milk chocolate pack size has changed from 250g to 200g.

The “Glass and a half” icon was first introduced to Cadbury packaging in 1977 and has become an iconic symbol of the brand. The “Glass and a half” statement represents that there is the equivalent of a glass and a half of milk in every 200g of Cadbury Dairy Milk milk chocolate. You will see from the attached artwork that this claim was by reference to 200g of chocolate when claimed on the 250g chocolate block. (Artwork from the previous 250g Cadbury Dairy Milk milk chocolate block is attached for reference, as well as artwork for the current 200g milk chocolate block).

As such, any representation made by the “Glass and a half” statement in the Dogs in Cars TVC continues to be accurate in relation to the 200g chocolate block. The representation is made in a manner clearly understandable by an Average Consumer, as required by Section 2.4 of the Food & Beverages Advertising & Marketing Communications Code.

4. RELEVANT STATISTICS

The Dogs in Cars TVC has aired nationally and would have reached approximately 4.7 million of total viewers in the first week on air. The commercial has appeared during a range of prime time high reaching TV programs since its launch including, NCIS, Dharma & Greg and Friends. This complaint, compared with the number of times the TVC has been viewed, would suggest that consumers understand the key message of the TVC and that it does not depict material contrary to the Codes.

Furthermore, in the development of the GHFP idea comprehensive consumer research was conducted to test the positioning, tone and humour of the advertisement as well as the general appeal and understanding of the advertising message. The concept was widely liked, and was understood and accepted by the consumers.

This suggests that the advertisement is being communicated in a manner clearly understandable by an Average Consumer as required by Section 2.4 of the Food & Beverages Advertising & Marketing Communications Code.

5. INTERNAL REVIEW PROCEDURES

Cadbury is a responsible advertiser. All advertising is subject to numerous internal reviews, including by our Legal department and our Corporate Communications team, to ensure that it complies with all legal and ethical requirements, including the Codes and our Cadbury Global Marketing Code of Practice.

6. CONCLUSION

In summary, we reiterate that Cadbury treats any complaint with the greatest of respect and always endeavours to fully understand what is driving the concern. Our considered assessment is that the Dogs in Cars TVC does not depict material contrary to the Codes. The Dogs in Cars TVC was intended to entertain through the use of humour, and bring fun and joy to those who see the commercial rather than to communicate a nutritional message.

Furthermore, the message relating to the milk content of our Cadbury Dairy Milk milk chocolate block has been consistent over the years and relates to every 200g of chocolate.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”) and section 2 of the Food and Beverages Advertising and Marketing Communications Code (the F & B Code).

The Board noted the complainant's concern that the advertisement was misleading and deceptive to consumers because it has for 30 years produced a 250g family block of chocolate and said it contained a glass and a half of milk goodness in the block. Cadbury now packages a 200g family block and advertises the same glass and a half milk goodness in every block.

The Board referred to the advertiser's reply and noted that the average nutrition claim contained on the back of the 200g block of dairy milk chocolate states that the equivalent of a glass and half of pure full cream milk in every 200g block of Cadbury dairy milk chocolate contains one and a half glasses of full cream milk.

The Board considered the application of section 2.1 of the F&B Code.

Section 2.1 states:

"Advertising or Marketing Communications for Food 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 or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits".

The Board noted that the F&B Code does not require advertisers to present information about changes to their product and that it has no comment to make about the product size changing from 250gm to 200gm. The Board also noted that it does not itself test products to determine if they contain the claimed ingredients in the amount stated and that on this point it accepts the information provided by the advertiser about the content of the product.

The Board noted that the claimed 'glass and a half' of milk in the product was clearly indicated as being per 200gm of the product - this is the case on the 250gm product and the 200gm product. The Board considered that the statement is therefore true when used on the 200gm product. The Board considered that the advertisement was not misleading or deceptive and not otherwise in breach of community standards and therefore did not breach section 2.1 or any other section of the F&B Code.

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”). The Board noted the images of the dogs with heads out of the windows of the cars. The Board noted that the dogs are clearly depicted in harnesses. The Board considered that the advertisement did not depict material that is contrary to prevailing community standards on health and safety.

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