



CASE REPORT

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| 1. Complaint reference number | 239/07 |
| 2. Advertiser | Fonterra Brands Aust Pty Ltd (Mainland Munchables Protein Bars) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code - Parental authority – section 2.4
Food and Beverage Code – other |
| 6. Date of determination | Tuesday, 14 August 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a schoolboy sneaking out of the house as his mother calls "Andy, what have you got in your lunch box? I don't want you eating any junk...". As the boy runs off his mother makes a flying dive to attach herself to him. On the street another boy has his mother clinging to his back and nagging him about his hair. The scene is then re-enacted to show Andy's lunchbox containing a sandwich and fruit, to which he adds a Mainland Munchables Protein Bar, and this time as he runs out of the door with his mother following, he holds out the protein bar, which stops his mother in her tracks as a voiceover advises "Get Mum off your back with a Munchables Protein Bar. It packs heaps of healthy protein into one great tasting snack". Andy is then seen on the school bus surrounded by other schoolchildren who have their mothers with them, still nagging. The scene ends with Andy sitting alone enjoying his protein bar at lunchtime as other students sit around with their mothers still in attendance.

THE COMPLAINT

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

We believe the Munchables television advertisement breaches Clause 3.4 (of the AANA Food and beverages Advertising and Marketing Communications Code) because it negatively portrays mothers' attempts to encourage their sons to eat healthily, in a way that aims to undermine parents in their role of guiding diet and lifestyle choices...It portrays these efforts as annoying, interfering nagging, and parents who make these efforts as being on children's backs and weighing them down.

We believe the advertisement aims to undermine parents by encouraging children to disregard healthy eating messages, and avoid eating healthy foods if they can get away with it; scorn parents who attempt to encourage them to eat healthily, and regards such efforts as nagging and an annoyance; comply with parents' "nags" to eat a healthy food only if the food meets other criteria unrelated to nutrition, and only to get parents off their backs, rather than for health reasons and try to pass-off a product that is actually high in sugar as particularly healthy to their parents in order to stop their parents nagging them to eat other foods that may be more healthy but do not meet the non-nutrition criteria referred to above.

We believe this advertisement is particularly irresponsible given current levels of childhood obesity...we do not regard the product as healthy for children, and the overall intention and effect is to portray parents' concern for their children's health as nothing but an annoyance.

The advertisement portrays Munchables as a particularly healthy snack for children...as a snack that would be regarded as healthy by health-conscious parents - so healthy that if children eat

Munchables, they will mollify their parents' concerns about their diets. Munchables contain 29.1 - 30.5% sugar...half the carbohydrate content of the product is sugar and the dietary fibre content is low which does not make Munchables comparable to the most desirable snack foods for children. Although Munchables may be somewhat less unhealthy than alternative children's snacks, they are not a healthy snack and should only be eaten by children in moderation.

THE ADVERTISER'S RESPONSE

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

The advertisement uses humour to depict typical day to day dialogue between children and adults about junk food. The visual pun is clear that mothers are "on the backs" of their children over a range of things and eating junk food for lunch is one of them. The advertisement depicts the situation as a win/win for parents and children. Children can have a snack as part of a healthy diet that is not junk food and parents are happy when their children make the choice to eat a snack (such as Munchables) when compared with eating other types of food. In addition, the Mother character was carefully chosen to be one that would give an overall positive impression for both parents and children; an impression of friendliness, care and concern. Although the advertisement makes a joke about parents being "on your back" the Mother character is not one which children are encouraged to "scorn", disregard or feel negatively towards.

We reject the assertion that the overall impression of the advertisement undermines the role of a parent in guiding diet and lifestyle choices.

The advertisement clearly depicts Munchables as being a snack containing healthy protein to be consumed in the context of a healthy diet...the Munchables bar is clearly shown as being one part of a healthy lunch box (containing four pieces of fruit and a wholemeal sandwich). The overall impression conveyed by the advertisement is not that the Munchables bar has the same health benefits as raw fruit or vegetables (but) as a healthier alternative to many other foods children find irresistible. The advertisement does not depict Munchables bars as a substitute for a healthy meal.

Munchables bars contain 450kj, have less than 1.5 grams of saturated fat and less than 10g of sugar per serve...Munchables bars were created to comply with stringent guidelines drafted by the Fonterra Nutrition Team in consultation with the Dieticians Association of Australia. The product is registered with the Federation of Canteens in Schools as part of the snack foods category.

The Munchables bars are designed to meet with prevailing community standards and practice by encouraging children to eat healthier snack foods as one part of an overall healthy and balanced diet.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainant's concern that the advertisement breached section 2.1 of the Food Code by misrepresenting the product as a healthy snack and that it also breached Section 3.4 of the Code by aiming to undermine parents.

The Board first noted that the advertisement is an advertisement within the meaning of 'advertising and/or marketing communication' and that it is an advertisement for a food product. The Board determined that the advertisement came within the Food Code.

The Board then considered whether the advertisement is an advertisement 'directed towards children'. Noting that this advertisement is of appeal to both parents and children, the Board determined that the advertisement did, and was intended to, appeal to children of school age.

The Board considered whether the advertisement breached section 3.4 of the Code. Section 3.4 provides:

'Advertising and/or marketing communications directed towards children for food and/or beverage products shall not aim to undermine parents and/or other adults responsible for a child's welfare

in their role of guiding diet and lifestyle choices.'

The Board also noted the explanatory notes to the Food Code. The explanatory notes provide in relation to 3.4:

'In testing whether an advertisement and/or marketing communication contains information or depictions that would undermine the role of a parent or other responsible adult in guiding a child's diet and lifestyle, the Board will form its own view of what a reasonable child of the target audience would understand from the communication.'

The Board first considered whether the advertisement 'aimed' to undermine parents. the Board noted the advertiser's response which indicates that there was no aim to undermine parents and that market research 'confirmed that both children and parents felt positively about the relationship between the mother and son characters and they found the advertisement humorous.' The Board considered that there was no overt undermining of parents in the advertisement and that they accepted the advertiser's position on the advertisement. The Board found that there was no 'aim' to undermine parental authority.

The Board then considered whether the advertisement did undermine parental authority and noted that this issue is unrelated to the issue of the nutritional profile of the product. The Board considered that the advertisement did present mothers in an exaggerated but stereotypical manner as 'nagging' their children about routine school and personal hygiene matters. However the Board considered that a reasonable child would not take home a message that said that parents dietary choices are wrong. In the Board's view, the advertisement presents a message that it is easy to keep mum happy if you eat the advertised product rather than trying to sneak what mum said she did not want the child to have ('junk food') into a lunch box. The Board considered that this is the message that a school age child is likely to understand. The Board considered that the advertisement did not suggest that children trick their parents into accepting junk food or undertake any activity that would actually undermine parental guidance. The Board considered that the mere representation of advice from a parent as being 'nagging' did not in this advertisement equate to undermining of the parents advice.

On the basis that the advertisement did not 'aim' to undermine parental authority, the Board determined that the advertisement did not breach section 3.4 of the Food Code. Regardless of the 'aim' of the advertisement, the Board also considered that the advertisement did not undermine parental authority.

The Board then considered whether the advertisement breached section 2.1 of the Code. Section 2.1 provides:

'Advertising and/or marketing communications for food and/or beverage products shall be truthful and honest, shall not 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 reference to nutritional values and/or health benefits.'

The Board noted that the advertisement makes two references to the content of the product. There is an implication in the advertisement that the Munchables bar is not 'junk food' (as the mother ceases her request to not have 'junk food' when she sees the Munchables bar). The advertisement also states that the product contains 'healthy protein'. The Board noted the complainant's concern that the product promoted Munchables as a particularly healthy product and that this is misleading.

The Board considered that the advertisement presented Munchables as a healthier choice than 'junk food' but did not accept that the product was portrayed as a health product or as a particularly healthy product. The Board considered that the product is presented as a better choice than junk food and accepted the advertiser's statement which included information comparing the nutritional profile of Munchables to a variety of snack foods. The Board agreed that the representation of the product as a better choice than junk food was not misleading or deceptive. The Board considered that the advertisement made no suggestion about the frequency of consumption of the advertised product.

The Board also considered whether the advertisement contravened community standards. The Board considered that the advertisement did not contravene community standards although it would have preferred that the advertisement did not use such an exaggerated representation of mothers as 'nagging'.

The Board determined that the advertisement did not breach section 2.1 of the Code as it was not misleading or deceptive and did not breach community standards on any basis.

The Board determined that the advertisement did not breach any of the provisions of the Food Code.

The Board then considered whether the advertisement breached any of the provisions of the AANA Code for Advertising to Children (the Children's Code). The Board accepted that the advertisement is an advertisement that comes within the Children's Code. The Board noted that the Children's Code also required that advertisements to children not be misleading or deceptive (2.1.1) or encourage or promote unhealthy eating choices (2.10.1). The Board determined that the advertisement was not misleading or deceptive and that the advertisement did not promote unhealthy eating choices for the reasons outlined above and that the advertisement did not breach the Children's Code.

Finally the Board considered whether the advertisement breached any of the provisions of Section 2 of the Advertiser Code of Ethics (the "Code"). The Board determined that the advertisement did not breach the Code.