

Case Report

1. Case Number :	0295-24
2. Advertiser :	Abbott
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	Internet - Social - YouTube
5. Date of Decision:	20-Nov-2024
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive
AANA Food and Beverages Code\2.3 Unsupported nutritional/health claims

DESCRIPTION OF ADVERTISEMENT

This YouTube advertisement features children playing in a playground with a voice-over saying "What's the secret super power for 50% faster growth for kids? Many aussie kids aren't eating a balanced diet to grow and thrive. But some kids have a secret super power. It's PediaSure, the worlds number one nutritional supplement for kids. Packed with 28 vitamins and minerals, and clinically shown to help fill nutritional gaps, for 50% faster growth and super powered immune support. Super powered kids grow strong with PediaSure."

A disclaimer appears from 00:03 to 00:05 stating, "PediaSure contains a blend of ingredients that have been clinically shown to support 50% faster growth in children at nutritional risk. Comparison of height gain in children 3-5 years at nutritional risk who recieved PediaSure and dietary counselling, and those who received dietary counselling alone for 90 days. 1. Alarcon PA, et al. Clin Pediatr. 2003;42(3):209-17. The study utilised a previous formulation of PediaSure".



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Claims that children grow 50% faster.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

This advertisement informs parents on the fact that most kids in Australia are not eating a balanced diet, which is required for healthy growth and development. It then communicates the nutritional information and growth benefits of PediaSure including claims supported by clinical evidence. Throughout the advertisement we see young children playing in a playground.

Details of the CAD reference number and CAD rating (For Free TV ads); Advertisement was not on free to air TV however see below CAD substantiation.

*o Clinically shown to support 50% faster growth**

** PediaSure contains a blend of ingredients that have been clinically shown to support 50% faster growth in children at nutritional risk. Comparison of height gain in children 3-5 years at nutritional risk who received PediaSure and dietary counselling, and those who received dietary counselling alone for 90 days.*

In a randomized, controlled, parallel multicentre trial, Alarcon et al. recruited 92 children aged 36 to 60 months with picky-eating behavior and evidence of growth faltering from Philippines and Taiwan, and randomized them to receive either nutrition counseling alone (Control) or nutrition counseling plus PediaSure (Study) for 90 days.

At 90 days, the mean change in height was significantly higher in the Study group than Control (2.66 cm vs.1.72 cm, $p < 0.001$). The average height gain velocity is thus approximately 0.887 cm/month and 0.573 cm/month in the Study group and Control group, respectively. These data indicate that children in the Study group had 55% more or faster height gain compared to the Control group:

Difference = $(0.887 - 0.573) / 0.573 = 55\%$

Longitudinal growth and health outcomes in nutritionally at-risk children who received long-term nutritional intervention.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concern that the advertisement makes the claim that children who use the product will grow 50% faster.

The Panel viewed the advertisement and noted the advertiser's response.

2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

The Panel noted the Practice Note for this Section of the Code includes:

"In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement."

The Panel considered that an average consumer in the target audience would be parents or caregivers interested in providing a healthy diet for their children. The Panel noted that the voice-over states that many Aussie kids aren't eating a balanced diet, and then states PediaSure helps fill nutritional gaps and promote 50% faster growth.

The Panel considered that the mostly likely interpretation of the advertisement by this audience would be that the advertisement would help Australian children to grow 50% faster.

The Panel noted that the disclaimer shown in the advertisement included information that the product has been shown to support 50% faster growth in children at nutritional risk. And that the study utilised a previous formulation of the product.

The Panel considered that this disclaimer was only shown on screen for less than two seconds, in small font, and there would not be enough time for most viewers to read the information. The Panel also considered that this disclaimer relied on the target audience having some knowledge of scientific research and the ability to interpret this data, which may not be the case.

The Panel noted that the study used to substantiate the claim was conducted over 20 years ago, included 90 children at nutritional risk from the Philippines and Taiwan, and used a previous formulation of the product.

The Panel considered that an average consumer in the target audience would be likely to interpret the advertisement as stating the current formulation of the product had

been shown to increase growth by 50% in Australian Children. The Panel considered that the advertisement was misleading or deceptive, or likely to mislead or deceive.

Section 2.1 Conclusion

The Panel concluded that the advertisement did breach Section 2.1 of the Food Code.

Section 2.3: Advertising for Food or Beverage Products that include what an Average Consumer might interpret as a Health Claim or Nutrition Content Claim must be supportable by appropriate scientific evidence meeting the requirements of the Australian Food Standards Code.

The Panel noted the Practice Note for this Section of the Code includes:

“This provision is intended to be applied by the Community Panel when considering whether an Average Consumer might consider statements made in an advertising or marketing communication as a Health Claim or Nutrition Content Claim. In testing whether this provision is properly applies, the Community Panel will apply its view of what an Average Consumer within the target market, might reasonably understand from a communication. Having considered that statements made within an advertisement might reasonably be understood by an Average Consumer as a Health Claim or Nutrition Content Claim, the Community Panel will rely on substantiation provided by the advertiser and/ or appropriate expert or professional advice as to whether the claims can be properly supported by scientific evidence meeting the requirements of the Australian Food Standards Code.”

The Panel considered that the advertisement contained the Health Claim that the product has been shown to increase growth by 50%.

The Panel noted that the Australia New Zealand Food Standards Code (Food Standards Code) requires health claims to comply with Standard 1.2.7. The Panel noted as it is not an expert body, it cannot determine whether the product complies with the Food Standards Code. The Panel noted that it is the advertiser’s responsibility to provide evidence demonstrating compliance. The Panel noted that in this instance, the advertiser did not provide sufficient information to demonstrate that their product complies with the Food Standards Code.

Section 2.3 Conclusion

The Panel concluded that the advertisement did breach Section 2.3 of the Food Code.

Conclusion

Finding that the advertisement breached Section 2.1 and 2.3 of the Food Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

At Abbott, the health and well-being of patients and consumers are our top priority. We produce and deliver safe and effective products and strive to comply with all applicable laws.

We are committed to ethical marketing and thank you for providing your feedback. We confirm that the YouTube advertisement is no longer in circulation.