

## Case Report

1. Case Number :	0043-25
2. Advertiser :	Kellogg (Aust.) Pty Ltd
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	19-Feb-2025
6. Decision:	Dismissed

### ISSUES RAISED

AANA Food and Beverages Code\2.2 Healthy Lifestyle/Excess Consumption

### DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement featuring Kellogg's Nutri-Grain High Protein Crunch and Kellogg's Coco-Pops Chocos.

Version 1 features a woman at a campground making a smoothie in a blender. She says "I found this little protein hack on line for my teens... it's bark." She turns on the blender. Another woman (Celeste Barber) emerges from a tent and says "For real, here's a hack, Kellogg's Nutri-Grain High Protein Crunch has 12.7 grams of protein."

The other woman says "For real?"

Celeste says "Yeah, its got little high protein bally things."

A nearby teenager says "for real?"

A voice-over says "Kellogg's Nutri-Grain High Protein Crunch, real nourishment, for real."



Version 2 features a woman in the kitchen preparing breakfast. She says "Hi Lovelies, up at 4am making these so that my children eat healthier."

Another woman (Celeste Barber) eating a bowl of cereal says "for real? This is a lot. Kellogg's Coco Pops Chocos are multigrain and they have four health stars."

The other woman says "For real?"

Celeste replies "For real!"

A child says "Can we have some?"

The woman eating the cereal says "Yeah sure, get into it. Does she do this a lot? Its really choccolaty hey?"

A toy monkey says, "for real?"

Celeste says, "Is that a talking monkey?"

A voice-over syas "Kellogg's Coco Pops Chocos, real nourishment, for real!"



## THE COMPLAINT

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

*Promoted as healthy which is a lie.*

*Ridiculing a mum making brekky for her kids, and then promoting a high sugar cereal, aimed at kids, is wrong.*

*It ridicules a mother making a breakfast for her kids to, and suggests that Coco pops is a healthier option.*

*There is another ad, also for Kellogg's, also ridiculing a mother, promoting that Nutri Grain is healthier than a smoothie.*

*Suggests these high sugar products are healthy and nourishing.*

*The ad shows "influencers" (whom I despise, however in this case am with) making healthy food options for there children or themselves when some has been comedian enters and states that they should be eating these high sugar cereals as they are "real nourishment, for real" if these foods are nourishing let alone earned rather than paid for the 4 star health rating they has I will eat my hat!*

## THE ADVERTISER'S RESPONSE

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

*Campaign idea*

*This campaign was developed to support the launch of Kellogg's new cereals, Nutri-Grain High Protein Crunch, and Coco Pops Chocos. The idea behind these advertisements is to answer people's confusion and doubts about cereal, with some simple and accurate facts about breakfast and Kellogg's new cereals. The advertisements highlight that Kellogg's is on a mission to provide more nutrition through reformulating its existing cereals and launching new, more nutritious cereals, and to hopefully get people to reconsider Kellogg's for breakfast.*

*Consumer insight*

*Many people in Australia are not getting sufficient nutrition from their diet (the nutrient gap). Breakfast and particularly cereal, is an opportunity to help fill that gap. Scientific evidence shows that, when comparing breakfast cereal eaters to non-cereal breakfast eaters, micronutrient intakes are significantly higher for breakfast cereal consumers, specifically for nutrients such as fibre, iron, folate, calcium and magnesium<sup>12</sup>. In addition, many people don't know or believe that Kellogg's cereals can provide some of the nutrition that they need or want.*

*Summary of complaints*

*The complaints are in relation to the above advertisements, viewed on free-to-air television. The complainants state:*

*The product is "promoted as healthy which is a lie".*

*The "product contains 82% sugars the main cause of diabetes and heart disease."*

*"The ad is aimed at parents..." and ridicules a mother making breakfast for her kids.*

*The ads suggest Coco Pops Chocos and Nutri-Grain High Protein Crunch, are healthier options.*

*The ad promotes "a high sugar cereal, aimed at kids, and is wrong".*

*Influencers "making healthy food options for their children or themselves when some has been comedian enters and states they should be eating these high sugar cereals".*

*"If these foods are nourishing let alone earned rather than paid for the 4 star health rating they has I will eat my hat!" [sic]*

*Comments in relation to the complaints*

*AANA Food & Beverages Code*

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

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<sup>1</sup> Fayet-Moore, F., McConnell, A., Cassettari, T. and Petocz, P. Breakfast Choice Is Associated with Nutrient, Food Group and Discretionary Intakes in Australian Adults at Both Breakfast and the Rest of the Day. *Nutrients* 2019 Jan 15;11(1):175.

<sup>2</sup> Gibson, S. A., & Gunn, P. (2011). "Breakfast cereal consumption and nutrient intakes: a systematic review of observational studies." *Nutrients*, 3(12), 929-951. :

*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 provisions above are related and we will address them together. For the reasons set out below, Kellanova considers that the advertisements are not likely to mislead or deceive an average consumer within the target audience of adults (specifically, main grocery buyers). Further, each health or nutrition content claim is supported by appropriate scientific evidence pursuant to the requirements of the Australia New Zealand Food Standards Code (ANZFSC).*

*The claims made in the advertisements are as follows:*

- Nutri-Grain High Protein Crunch contains 12.7g protein per serve;*
- Coco Pops Chocos has a 4 health star rating and contains multigrain; and*
- Real nourishment.*

*Nutri-Grain High Protein Crunch contains 12.7g protein per 45g serve, as set out in the Nutrition Information Panel, and determined using ANZFSC approved methodology. This also meets the ANZFSC minimum requirements for a “high in protein” claim, which requires >10g protein per serve.*

*Coco Pops Chocos contains five different grains, being wheat, maize, oat, barley and rice. The product achieves a 4 health star rating (HSR) calculated in accordance with the Federal Government’s HSR algorithm applicable to its consumer-facing front of pack labelling scheme.*

*The term, “real nourishment”, is used in relation to these two products on the basis that each product meets the Nutrient Profile Scoring Criterion set out in the ANZFSC, achieves a 4 HSR, is fortified with essential vitamins and minerals in compliance with the ANZFSC, and contains nutrients and ingredients that are nutritious and support health. Specifically:*

- NPSC: The Nutrient Profiling Scoring Criterion (NPSC) is a crucial component of the ANZFSC, developed by the Federal Government, underpinned by scientific evidence, and aimed at guiding food manufacturers and consumers towards healthier food choices. The NPSC evaluates individual foods based on their nutrient content, and balances both negative and positive nutrients and ingredients. The key negative nutrients, which are associated with chronic disease risk factors, include energy, saturated fat, total sugars, and sodium. On the other hand, positive nutrients and ingredients that contribute to healthier diets include fibre, protein, and the percentage of fruits, vegetables, nuts, and legumes. Each food item is assigned a score based on the balance of these nutrients.*

*By assessing the nutrient content of foods, the NPSC ensures that only those achieving a pass score can make health claims, making it easier for consumers to identify foods that promote better health outcomes. Both products featured in these advertisements score significantly better than required to pass the NPSC.*

- *HSR: Even though the HSR is not the regulatory criterion (which is the NPSC), it is the government endorsed consumer-facing front of pack labelling scheme. Consumers who do not necessarily have visibility to the NPSC, will use HSR to help identify healthier choices in the breakfast aisle. Further, the use of HSR has been used to indicate healthier foods to consumers by health agencies, supermarkets and benchmarking studies, with 3.5 HSR being the generally accepted “cut-off”. Both products in these advertisements score a 4 HSR.*

- *Fortification: Nutri-Grain High Protein Crunch and Coco Pops Chocos are fortified in compliance with the ANZFSC, specifically Standard 1.3.2 and Schedule 17. Each product contain at least 25% of the Recommended Daily Intake (RDI) for B vitamins including vitamins B2, B3, B6 and Folate plus 25% RDI for iron, 15% RDI for zinc, and 10% RDI for calcium.*

*The vitamins and minerals in these foods provide many benefits and are necessary for growth, development and metabolism in human beings. Although we do not make these claims in the advertisements, under ANZFSC Schedule 1.2.7, there are many general level health claims that may be made in relation to these fortificants including contributes to the reduction of tiredness and fatigue (B2, folate, B6, iron), necessary for normal immune system function (zinc, B6, folate, iron) and cognitive function (zinc, iron), necessary for normal teeth and bone structure (calcium), contributes to growth and development (all). At the levels in which they occur, these nutrients make a meaningful contribution to overall nutrient intakes.*

- *Health claims: in addition to the permitted health claims stated above, these foods meet the criteria under the ANZFSC to make further claims that support health and nutrition benefits, such as a source of fibre (both), source of protein (Chocos) and high in protein (Nutri-Grain HPC).*

*Specifically in relation to the complaint that the product “contains 82% sugar”, we note that Coco Pops Chocos contains 7.2g sugar per serve (which is 8% of the government’s recommended daily intake) or 24.1g per 100g, and Nutri-Grain High Protein Crunch contains 9.4g sugar per serve (which is 10% of the Government’s recommended daily intake) or 20.9g per 100g.*

*For the reasons set out above, we submit that the product claims in the advertisement are made in compliance with the ANZFSC, are supported with the requisite scientific substantiation and are not likely to mislead or deceive an average consumer within the target audience of adults.*

*For completeness, we note that one complainant incorrectly alleges that the HSR is a purchased endorsement. As the Panel is aware, the HSR is a Government endorsed and*

*run system where, as stated on the Government's website: "The number of stars is determined using a calculator designed to assess positive and risk nutrients in food (The Health Star Rating Calculator). The algorithm that drives the calculator was developed in consultation with Food Standards Australia New Zealand and other technical and nutrition experts." While that complainant states that he or she will "eat [their] hat" if HSR is not a purchased endorsement, we submit that a delicious bowl of Nutri-Grain High Protein Crunch would be a more nutritious option.*

*2.2 Advertising for Food or Beverage Products must not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered to be excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to the Australian Dietary Guidelines.*

*Kellanova considers that the advertisements do not undermine the importance of healthy or active lifestyles, nor the promotion of healthy balanced diets.*

*The advertisement aims to utilise Celeste Barber's well-known style of humour to contrast a realistic, relatable person (Celeste), with a glamorous influencer who's appearance and behaviour (for example, putting tree bark in a blender when camping) is portrayed as over-the-top. This juxtaposition highlights that, for instance, Nutri-Grain High Protein Crunch is an easy and realistic high protein option for breakfast, particularly in situations where simplicity is key, which is relatable for the average consumer. Similarly, the contrast with the social media influencer in the Chocos advertisement conveys that you don't need to be up at 4am cooking for hours (whilst live-streaming for your followers) in order to have a nutritious breakfast that kids will like. The advertisements highlight in a light-hearted and relatable way that you can have a nutritious option without needing to be extreme.*

*We also respectfully contend that it is a misdescription to suggest that the advertisements ridicule mothers generally. The advertisements humorously parody social media influencers - in one case for spending hours making cat-shaped pancakes and other for adding tree bark to a blender on a camping trip. These are not relatable or ordinary 'mum making breakfast' scenes but embody Celeste Barber's iconic humour about influencers adopting over-the-top means to try to gain followers. The inclusion of phone camera cropping and circular lighting make this very clear in the advertisements.*

*Similarly, the suggestion that the advertisements promote unhealthy foods in place of the depicted "breakfast" is simply not the case. As set out in detail above, both products score well above the mark required to meet NPSC, achieve a 4 HSR and contain nutrients and ingredients to support health and nutrition benefits. Further, we contend that it is nutritionally inappropriate to focus 'healthiness' on one nutrient in food as one of the complaints seeks to do; rather, the total nutrient profile needs to be considered as the HSR system and the NPSC provides.*



*We also note for completeness that it is not the case that the cat-shaped pancakes depicted in the Coco Pops Chocos advertisement, or the tree bark drink depicted in the Nutri-Grain High Protein Crunch advertisement, are in contrast better breakfast foods. The former is a treat food, while the latter does not contain ingredients for human consumption.*

*The advertisements do not encourage excess consumption. All products and portion sizes represent a standard serving size (reflective of the recommended serving size stated in the Nutrition Information Panel for each product) and are appropriate to the settings portrayed. As noted in the scripts, the advertisements also feature a serve of fruit, a serve of dairy and glasses of water (not juice), to convey that the food should be consumed in the context of a healthy and balanced diet.*

*The advertisements promote an appropriate serving of a nutritious, 4 HSR cereal product as a breakfast choice without encouraging unhealthy eating or lifestyle practices. They do not depict excessive consumption nor do they undermine healthy lifestyles, and so do not contravene s 2.2 of the AANA Food and Beverages Code.*

*2.4 Advertising for Food or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, must be specific to the promoted product/s.*

*The advertisements clearly reference the specific new product being launched by Kellanova, being Nutri-Grain High Protein Crunch and Coco Pops Chocos, and not in combination with other products.*

*3.1 Advertising (including sponsorship advertising) of Occasional Food or Beverage Products must not target Children.*

*Neither Nutri-Grain High Protein Crunch nor Coco Pops Chocos meet the definition of Occasional Food or Beverage Product as set out in the Code. Each product meets the ANZFS NPSC, as we have set out above. Accordingly, section 3 of the Code does not apply to these advertisements.*

*AANA Children's Advertising Code*

*The advertisements are directed to adult main grocery buyers, and nothing in them is directed, or likely to be principally appealing, to children as defined in the AANA Children's Advertising Code (under 15 years). The complaints also acknowledge that the advertisements target parents.*

*Specifically:*

- Nature and intended purpose of the products: Nutri-Grain High Protein Crunch and Coco Pops Chocos, whilst they may have some appeal to children under 15, are principally appealing to the main grocery buyer, particularly as these are new products specifically developed as nutritious options (4 HSR, meets NPSC/not an Occasional Food).*

- *Presentation of the advertisement content: we submit that the advertisements in their themes, images, language, setting and colours used are principally appealing to the main grocery buyer including parents, and not to children under 15. For instance, the humour is targeted to adults, the choice of Celeste Barber who is well known amongst adults (and arguably not known at all to children under 15!), the language employed is adult vernacular, the theme of nutritious, simple breakfast options and the 'family' setting portrayed, all support this contention.*
- *Expected average audience at the time the advertisement appears: the advertisement placements comply with the "G" CAD rating. Further, the data shows that in all placements for these advertisements, less than 25% of the predicted or expected audience were children under 15. In determining expected average audience composition, our media agency reviewed the average 2024 ratings for programs in which these advertisements were broadcast. None of these programs were highlighted as having an audience of more than 25% children under 15. Therefore, the advertisements do not feature in any program that included a significant proportion of children under 15.*

#### *AANA Code of Ethics*

*For the purposes of 2 of the AANA Code of Ethics, all of these advertisements are clearly identifiable as advertising (s 2.7) and none depict material that could objectively be considered -*

- *discriminatory or vilifying (s 2.1)*
- *exploitative or degrading (s 2.2)*
- *violent (s 2.3)*
- *sexual in any manner (s 2.4)*
- *offensive in language (s 2.5)*
- *to pose a risk to health or safety (s 2.6)*

*Accordingly, there is nothing in the advertisements that contravenes the provisions of the AANA Code of Ethics.*

*None of the advertisements make environmental claims for the purposes of the AANA Environmental Claims Code.*

*Kellanova Australia submits that the advertisements do not mislead or deceive consumers in relation to the food, nor do they offend any other provision of any applicable AANA Code, and accordingly, that the complaints should be dismissed.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether the versions collectively forming this advertisement breach the AANA Food and Beverages Advertising Code (the Food Code).



The Panel noted the complainants' concerns that the advertisement undermines healthy balanced diets.

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

**Food Code Section 2.2: Advertising for Food or Beverage Products must not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered to be excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to the Australian Dietary Guidelines.**

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

*"Undermining the importance of healthy or active lifestyles or healthy balanced diets need not be explicit, and the Community Panel will consider the overall message that is likely to be understood by the Average Consumer."*

The Panel noted the advertiser's response that the product meets the Australian New Zealand Food Standards Code (ANZFSC) requirements for a high protein claim, meets the Nutrient Profile Scoring Criterion set out in the ANZFSC and has a 4-star Health Star Rating.

The Panel noted the advertiser's response that the advertisements are intended to parody social media influencer adopting over-the-top means to gain followers, rather than depict mothers making healthier foods.

#### Kellogg's Nutri-Grain High Protein Crunch

The Panel considered that the advertisement depicts a mother adding tree-bark to a smoothie as an example of a way to add protein to her children's diet. The Panel considered that the advertisement was offering an easier and more achievable way to consume protein. The Panel considered that the breakfast cereal met the criteria of being high in protein. The Panel noted that the nutritional benefits of a tree bark smoothie are not known, however considered that the promotion of a high protein breakfast cereal instead of a tree bark smoothie did not undermine the importance of a healthy balanced diet.

#### Kellogg's Coco Pops Chocos

The Panel noted the advertiser's response that the advertisement depicts a woman making cat-shaped pancakes and that this is a treat food and not a healthier breakfast alternative.

A minority of the Panel considered that the advertisement depicts a mother spending hours making a “healthier” breakfast for her children. The minority of the Panel considered that the exact ingredients used to make the pancakes weren’t known but as they were described as “healthier” these could be organic, whole-grain and low in sugar. A minority of the Panel considered that the messaging of the advertisement is that the promoted cereal should be consumed instead of healthier prepared breakfasts, and this was undermining the importance of a healthy balanced diet.

The majority of the Panel, however, considered that the message of the advertisement is that a similar level of healthiness can be achieved by selecting a cereal with a 4-star Health Star Rating. The Panel considered that the advertisement was promoting eating a single portion of breakfast cereal with milk, and also depicted fruit and water, and this depiction would be in line with most parents’ understanding of a balanced diet. The Panel considered that the advertisement did not undermine the importance of a healthy balanced diet.

### **Section 2.2 conclusion**

The Panel concluded that the advertisement did not breach Section 2.2 of the Food Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaints.