



7 December 2009

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Advertising Standards Board
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By post and by e-mail – complaint@adstandards.com.au

To the Advertising Standards Board,

Advertisement in breach of the Australian Food and Grocery Council's Responsible Children's Marketing Initiative

The Obesity Policy Coalition (OPC) is a partnership between Cancer Council Victoria, Diabetes Australia – Victoria, VicHealth and the World Health Organization Collaborating Centre for Obesity Prevention at Deakin University. The OPC is concerned about rising rates of overweight and obesity in Australia, particularly in children.

We are writing to complain about a Kellogg's television advertisement and associated website that we consider to be in breach of the 'Use of Premium Offers' clause contained in the Australian Food and Grocery Council's Responsible Children's Marketing Initiative (Initiative).

1 The television advertisement

The television advertisement promotes Kellogg's Coco Pops, Mini Wheats, K-Time Twists and Sultana Bran. The advertisement commences with a mother and child eating breakfast. The voice over states "A tasty bowl of cereal is a great way to start an exciting day". It is unclear which cereal the child is eating, although it looks like Kellogg's Mini Wheats. The mother then looks at a pack of Kellogg's Sultana Bran on the dining table and states, "Oh there is a two for one at the zoo". The child responds, "A two for one – they're really rare". The mother states, "A two for one – means you get in free if we go together". The child then asks, "Are you sure Mum?" and the mother gives a smile and a nod. The child and mother are then depicted at the zoo and at one stage the child is eating a Kellogg's K-Time Twist bar. A helicopter is then depicted dropping a large wooden crate into the zoo (its contents are not shown). A voice over states, "Get into the great taste of Kellogg's and discover the two for one at participating zoos. There's a pass on specially marked packs. Visit kelloggszooentry.com.au". Packages of Kellogg's Coco Pops, K-Time Twists, Mini Wheats and Sultana Bran are then depicted in the end frame.

A partnership with:
The Cancer Council Victoria
Diabetes Australia-Victoria
WHO Collaborating Centre
for Obesity Prevention,
Deakin University

with support from
VicHealth

2 The website

The 'two for one' ticket to the zoo promotion (or 'tooferwun at the zoo', as it is referred to on the website) is promoted via the Kellogg Company website <http://www.kelloggzoentry.com.au/home.aspx>. The details of the promotion are at the webpage <http://www.kelloggzoentry.com.au/ThePromotion.aspx>.

The webpage states, "Kellogg's is offering (*sic*) you and your family this great opportunity with a buy one get one free offer at participating Zoos. So now, you can take someone with you, for free". It then encourages users to buy a specially marked Kellogg's cereal or snack box, "carefully cut out the 'Buy 1 Get 1 Free Entry' coupon", "grab a friend or family member" and present the coupon at participating zoos. The foods depicted on the website are Coco Pops, Mini Wheats, Sultana Bran, Corn Flakes, K-Time Twists and LCM bars. Also available on the website is information about participating zoos and terms and conditions

3 Breach of the Initiative

In our view, the television advertisement and associated website breach the 'Use of Premium Offers' clause contained in the Initiative. The 'Use of Premium Offers' clause states:

Participants will commit to not advertising premium offers unless the reference to the premium is merely incidental to the product being advertised in accordance with the AANA codes and in the Children's Television Standards (CTS Section 20).

We believe that the television advertisement and website advertise a premium offer in a manner that is more than incidental to the products being advertised.

3.1 The premium

Under the Initiative, 'premium' means:

anything offered free or at a reduced price and which is conditional upon the purchase of a children's food or beverage product.

The two for one ticket offer clearly meets this definition. The free ticket to the zoo (or reduced price for two tickets) is conditional upon the purchase of one of a range of cereal and snack bar products, many of which are targeted directly at children, such as Coco Pops, K-Time Twists and LCM Bars. The advertising for these products has traditionally been directed to children and they are products that are particularly appealing to, and are predominantly consumed by, children. We are concerned that these products are very high in sugar, low in fibre and serve little nutritional benefit. Coco Pops contain 36.5% sugar and 1.2% fibre, LCM Bars contain 30% sugar and only 0.5% fibre and K-Time Twists (Strawberry and Blueberry) contain 35.6% sugar and 5.6% fibre. In our view, these products are not suitable for daily consumption by children and premium offers should not be used to promote them to children.

3.2 Advertising in a manner that is more than incidental to the product being advertised.

The reference to the premium, in both the television advertisement and on the website, is ‘more than incidental’ to the cereal products being advertised, as per the meanings given under AANA Codes and Children’s Television Standards.

Under the AANA Food and Beverage Code, advertisements must not feature premiums “unless they are an integral element of the Children’s Food or Beverage Product/s being offered”. The AANA Food and Beverages Code Practice Note states that in determining whether a premium is an integral element of the product, “the Board will consider whether the premium is given undue prominence, by way of being made the dominant feature or otherwise occupies more than half the advertisement”. Under the Children’s Television Standards, the advertising of premium offers is prohibited if the advertising stimulates unreasonable expectations of a product, that is when the promotion of the premium offer causes a child to be confused about what is the main product advertised and what is the premium.¹

In the 30 second Kellogg’s television advertisement, the reference to the premium is the dominating feature. The premium offer is discussed by the mother and child for 10 seconds at the dining table. The child and the mother are then depicted at the zoo (i.e. using the premium offer) for 12 seconds, with the voice over promoting the premium offer for another 10 seconds. References to the cereal and snack bars are very brief. While a box of Sultana brand is featured on the dining room table for 12 seconds the discussion of the premium offer is the dominant feature of this part of the advertisement. The child is depicted eating a K-time Bar at the zoo for 2 seconds, however this is merely incidental to the depiction of the family at the zoo. All of the cereal and snack bar products are depicted at the end of the advertisement for 3 seconds only.

Clearly, the discussion about the premium offer between the mother and the child, the voice over promoting the offer throughout the advertisement and the depiction of the mother and the child at the zoo using the premium offer are the dominant features of this advertisement and occupy more than half of the advertisement. The references to, and images of, the food products are fleeting and merely incidental to the promotion of the premium offer. In addition, the overwhelming dominance of the promotion of the premium in the television advertisement, when compared to the very few references to the products themselves, would cause a child to be confused about what is the main product advertised and what is the premium.

On the website, the premium offer is again the dominant feature. While Kellogg’s cereal and snack bar products are featured, they comprise less than 10% of the space on the home page and on the promotion page. The dominant purpose of the website is clearly to promote the premium offer. Children are also likely to be confused by what is the main product advertised and what is the premium. The imagery on the website (for example, the large wooden box at the top of the homepage with an eye peaking out and a tail wagging out the side of the box), the language used (for example, “There’s a tooferwun at the zoo.”) and the fun colours used to promote the premium offer are clearly targeted at children and would attract their attention above and beyond the few images of the Kellogg’s products.

¹ Australian Broadcasting Authority, Investigation Report, File No: 93/1883-03, Complaint No: 13862, Investigation No: 1211.

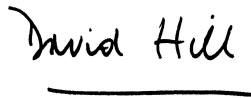
For these reasons, we are of the view that the references to the premium in the television advertisement and on the website are more than merely incidental to the products being advertised and are therefore in breach of the Initiative.

4 Action requested by the ASB

For the reasons identified above, we request that the ASB consider whether the Kellogg's advertisement and Kellogg's website breach the 'Use of Premium Offers' clause contained in the Initiative.

If you wish to discuss these matters or need any further information, please contact Jane Martin, Senior Policy Adviser to the OPC on 9635 5206 or at jane.martin@cancervic.org.au.

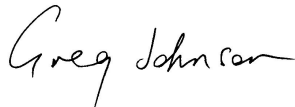
Yours sincerely,



Professor David Hill AO
Executive Director
Cancer Council Victoria



Professor Boyd Swinburn
Coordinator
WHO Collaborating Centre for Obesity Prevention
Deakin University



Greg Johnson
Chief Executive
Diabetes Australia – Victoria
Adjunct Professor; Deakin University



Todd Harper
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VicHealth