

<b>COMPLAINT NUMBER</b>	18/121
<b>COMPLAINANT</b>	K Hamilton
<b>ADVERTISER</b>	Mondelez NZL
<b>ADVERTISEMENT</b>	Cadbury, Television
<b>DATE OF MEETING</b>	24 April 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Cadbury television advertisement for Dairy Milk chocolate shows an elderly neighbour repeatedly returning children's toys over the garden fence. In appreciation the children throw over a block of Dairy Milk chocolate. The advertisement ends with the image of two glasses of milk being poured into a block of chocolate with the tag-line "There's a glass and half of milk in every one."

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, K Hamilton, said:** Historically Cadbury has advertised their bars as having a 'glass and a half of milk in every block'. This was indicated on the package and in advertising by the image of two glasses, one filled with white liquid and one half filled. They no longer use milk, but palm oil. Tonight's ad said 'there's a glass and a half in every one' and showed the two glasses of white liquid. I believe Cadbury is misleading customers into thinking they still use milk in their chocolate, though their connection to the words and imagery from their historic advertising about the milk their product previously contained.

**The relevant provisions were Code for Advertising Food - Principle 1, Principle 2;**

**The Chair** noted the Complainant's concern the advertisement was misleading because palm oil had replaced milk in the production of Cadbury's milk chocolate.

In considering this complaint, the Chair referred to the Cadbury website, including the Frequently Asked Questions section which provided the following information:

The ingredients of Dairy Milk milk chocolate are provided on the website , <https://www.cadbury.co.nz/product/cadbury-dairy-milk/>, as:

"Nutritional Information  
Servings per package: 8.8  
Servings size: 25g (approx. 4 squares)

Legal Description:  
Cadbury Dairy Milk Chocolate

Ingredients:  
Full cream milk, sugar, cocoa butter, cocoa mass, milk solids, emulsifiers (soy lecithin, 476), flavours, milk solids minimum 24%. Milk chocolate contains cocoa solids 26%, milk solids minimum 24% Allergen Statement:  
Contains milk and soy. May contain traces of wheat, egg, peanuts and tree nuts."

A statement on the Frequently Asked Questions page, <https://www.cadbury.co.nz/faq/>, addressed the use of Palm Oil in the production of Dairy Milk chocolate:

“Firstly we can reassure you there is no palm oil in the Cadbury Dairy Milk milk chocolate we make and sell in Australia and NZ. While we have always been upfront about using a very small amount of palm oil in some of our fillings where there is no substitute, we buy our palm oil from key suppliers who participate in the Roundtable for Sustainable Palm Oil (RSPO) which develops and enforces standards for sustainable palm oil production.”

Based on this information the Chair said the Advertiser was not misleading consumers by emphasising the use of milk in the production of its Dairy Milk chocolate. The Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach of Principle 1 or Principle 2 of the Code for Advertising Food.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

**Chair’s Ruling:** Complaint **No Grounds to Proceed**

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.