

COMPLAINT NUMBER	19/229
COMPLAINANT	S Hughes on behalf of Healthy Auckland Together
ADVERTISER	Arnott's
ADVERTISEMENT	Tiny Teddy Out of Home & Website
DATE OF MEETING	13 August 2019
OUTCOME	Upheld in part, Not Upheld in part Bus shelter advertisement not to be used again.

Description of the Advertisements

The bus shelter advertisement showed a photo of a boy in school uniform reaching for a packet of Tiny Teddy biscuits in his lunch box. Also, in the lunch box is a salad sandwich and an apple. Below the photo is the text “ADD A LITTLE LUNCHBOX LOVE”. To the right of this text is an image of a box containing 15 x 25g packets of Tiny Teddy biscuits, in three flavours.

The website advertisement shows two lunch boxes containing sandwiches, fruit and a packet of Tiny Teddy biscuits. On the table in front of the lunch boxes is a number of Tiny Teddy biscuits standing upright. The text says “Tiny Teddy biscuits are the delicious treat your kids will love. With no artificial colours, flavours or preservatives, they’re sure to put a smile on everyone’s face.”

Summary of the Complaint

The Complainant was concerned the advertisements were likely to result in harm due to promoting the regular consumption of a sometimes food and the normalisation of an unhealthy relationship with food.

Issues Raised

- Social Responsibility
- Health and Well-being
- Truthful Presentation
- Unhealthy lifestyle

Summary of the Advertiser's Response

The Advertiser said the advertisements target the main grocery buyer, not children, as their primary audience. The bus shelter advertisement was taken down on 17 February 2019, at the end of the advertising campaign.

The Advertiser said they do not suggest a packet of Tiny Teddy biscuits be included with every school lunch and they refer to them (in the website advertisement) as a “treat”.

Summary of the Complaints Board Decision

The Complaints Board upheld a complaint about a bus shelter advertisement for Tiny Teddy biscuits because it gave the misleading impression that a packet of Tiny Teddy biscuits is an

everyday food and encouraged the addition of a packet of Tiny Teddy biscuits, as part of a balanced school lunch.

The Complaints Board did not uphold the complaint about a website advertisement for Tiny Teddy biscuits.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h): Health and Well-being: Advertisements must not undermine the health and well-being of individuals

CHILDREN AND YOUNG PEOPLE'S ADVERTISING CODE

Principle 1 – Social Responsibility - Advertisements should be prepared with and observe a high standard of social responsibility.

Rule 1(e) – Unhealthy Lifestyle – Advertisements must not provide an unrealistic sense of body image or promote an unhealthy lifestyle.

Principle 2 – Truthful Presentation - Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse their trust or exploit their lack of knowledge or without reason play on fear.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 17/454 which was Upheld in part.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 17/454 concerned an advertisement for Coca Cola which appeared on a bus stop. It featured a vintage style Santa Claus riding in a car holding two glass bottles of Coca-Cola. The Complaints Board confirmed that sponsorship advertisements for occasional food or beverage products must not target children or be placed in any media where children are likely to be a significant proportion of the expected average audience. It ruled the advertisement was in breach Principle 1 and Rule 1(i) and Principle 3 and Rule 3(a) of Children and Young People's Advertising Code.

Complaints Board Discussion

The Complaints Board considered the bus shelter and the website advertisements in turn, and under both codes:

Bus shelter advertisement, under the Advertising Standards Code

Consumer Takeout

The Complaints Board agreed the consumer takeout of the bus shelter advertisement was: Tiny Teddies are a good addition to children's lunch boxes, to show children love.

Did the advertisement undermine the health and well-being of individuals?

The Complaints Board agreed the advertisement did undermine the health and well-being of individuals. This is because it encouraged the regular inclusion of a packet of Tiny Teddy biscuits in children's lunch boxes. The advertisement also sends the message to parents that if you love your children you will give them Tiny Teddy biscuits in their lunch box.

One of the three Tiny Teddy varieties of biscuit featured in the advertisement is classified under the Food and Beverage Classification System as an occasional food. The Complaints Board noted the box of biscuits contains all three varieties and the Advertiser accepted the biscuits were occasional food.

Is the advertisement socially responsible?

The Complaints Board agreed the bus shelter advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.

Bus shelter advertisement, under the Children and Young People's Advertising Code

The first question the Complaints Board had to address was whether the bus shelter advertisement targeted children.

How is targeting assessed?

'Targeting' is determined by the context of the advertisement and the relationship between the following three criteria;

1. Nature and intended purpose of the product or service being promoted is principally or generally appealing to children or young people.
2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is appealing to children or young people.
3. Expected average audience at the time or place the advertisement appears includes a significant proportion of children or young people."

Did the bus shelter advertisement target children?

A majority of the Complaints Board agreed the bus shelter advertisement did target children.

This is because Tiny Teddy biscuits are a product that is principally appealing to children, the presentation of the advertisement content was appealing to children and the placement of the advertisement was at the bus shelter, in an area near a number of locations where children gather.

A majority of the Complaints Board said the advertisement was appealing to children, used bright colours, an image of a child in school uniform and a photo of a packet of Tiny Teddy biscuits with cartoon images of cute bears.

A majority of the Complaints Board said although efforts had been made by the Advertiser and the Media to minimise the risk of exposure to children through placement, outdoor advertisements are readily accessible to children, due to their unrestricted nature. This risk

can be mitigated by the product appeal and advertisement content, but this was not the case for the Tiny Teddy advertisement.

A minority disagreed. The minority acknowledged the content of the bus shelter advertisement was appealing to children, but it did not target children as it had not been placed in a location where children were likely to be a significant proportion of the expected average audience. The minority said the advertisement is addressed to parents, especially the text "Add a little lunchbox love" as parents are more likely to select what food goes into their child's lunchbox.

The Complaints Board acknowledged the challenge presented to out of home mediums in accurately measuring audience data, compared to other mediums. The Complaints Board considered the efforts the Advertiser and Media had made in relation to placement, but it noted the bus shelter was located on a main arterial road and near a number of places where children gather. These places include a primary school, a childcare centre, a park with a playground and a medical centre.

The Complaints Board noted no mention was made in the advertisement of the Tiny Teddy biscuits being viewed as a "treat".

The Complaints Board agreed the advertisement was not targeting young people (aged at least 14 but under 18 years) because the child in the advertisement was under 14 and Tiny Teddy biscuits are more likely to have greater appeal to a younger age group.

Is the advertisement likely to mislead or deceive children?

Does the advertisement promote an unhealthy lifestyle?

A majority of the Complaints Board said the advertisement was likely to mislead children and promote an unhealthy lifestyle. This is because the advertisement gives the impression that a packet of Tiny Teddy biscuits is an everyday food and part of a balanced school lunch box. A food that shows children are loved.

Does the advertisement meet a high standard of social responsibility?

A majority of the Complaints Board said the bus shelter advertisement did not meet a high standard of social responsibility, taking into account context, medium, audience and product and was in breach of Principle 1 and Rule 1(e) and Principle 2 of the Children and Young People's Advertising Code.

A minority disagreed. The minority said the Children and Young People's Advertising Code did not apply as the bus shelter advertisement was not targeting children.

Website advertisement under the Advertising Standards Code

Consumer Takeout

The Complaints Board agreed the consumer takeout of the website advertisement was: Tiny Teddies are a treat to add to your child's lunch box, to make everyone happy.

Did the advertisement undermine the health and well-being of individuals?

The Complaints Board agreed the website advertisement did not undermine the health and well-being of individuals. This is because it refers to Tiny Teddy biscuits as a "treat", which appropriately reflects the classification of some of the small pack Tiny Teddy biscuit varieties as an occasional food under the Food and Beverage Classification System.

Is the advertisement socially responsible?

The Complaints Board agreed the website advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.

Website advertisement under the Children and Young People's Advertising Code

The Complaints Board agreed the Children and Young People's Advertising Code did not apply as the website advertisement was not targeting children.

This is because while the product is highly appealing to children the content on the website has limited appeal to children and children are unlikely to be a significant proportion of the audience for the Tiny Teddy website.

In Summary

In accordance with the majority, the Complaints Board agreed:

- The complaint about the bus shelter advertisement was upheld under the Advertising Standards Code. The bus shelter advertisement was in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.
- The complaint about the bus shelter advertisement was upheld under the Children and Young People's Advertising Code. The bus shelter advertisement was in breach of Principle 1, Principle 2 and Rule 1(e) of the Children and Young People's Advertising Code.
- The complaint about the website advertisement was not upheld, under the Advertising Standards Code.
- The complaint about the website advertisement was not upheld under the Children and Young People's Advertising Code. This is because the website advertisement was not targeting children and the Children and Young People's Advertising Code did not apply.

Outcome

The Complaints Board ruled the complaint was **Upheld in part and Not Upheld in part**.

Bus shelter advertisement not to be used again.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.

APPENDICES

1. Complaint
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINT FROM HEALTHY AUCKLAND TOGETHER

(The following is a revision of the original complaint, made after the Complainant acknowledged and apologised for an error made in recording the correct bus stop number and location of advertisement. NB All photos of the advertisements have been removed.)

This complaint is made by the members of Healthy Auckland Together listed in Appendix A ('We'). We consider that two Arnott's advertisements for the product Tiny Teddy breach the Children and Young People's Advertising Code and the Advertising Standards Code. One advertisement is an out of home advertisement located on a bus shelter. The other is a webpage on the Arnott's website.

We submit that the advertising campaign breaches the following principles and rules of the Codes:

Bus Shelter Advertisement:

1. **Principle 1 of the Children and Young People's Advertising Code:** we contend the out of home advertisement promotes unhealthy eating behaviours for children, causing harm.
2. **Rule 1(e) of the Children and Young People's Advertising Code:** it promotes an unhealthy lifestyle to children by promoting biscuits as part of a healthy school lunch.
3. **Principle 2 of the Children and Young People's Advertising Code:** the out of home advertisement is likely to mislead children that biscuits are part of a healthy school lunch.
4. **Principle 1 of the Advertising Standards Code:** it does not uphold a due sense of social responsibility, with the consumer takeout being the promotion of an unhealthy product and relationship with food.
5. **Rule 1(h) of the Advertising Standards Code:** it undermines the health of individuals by promoting a packet of biscuits as a school lunch food to children and parents/caregivers.

Website Advertisement:

- **Principle 1 of the Advertising Standards Code:** it does not uphold a due sense of social responsibility, with the consumer takeout being the promotion of an unhealthy product and relationship with food.
- **Rule 1(h) of the Advertising Standards Code:** it undermines the health of individuals by promoting a packet of biscuits as a school lunch food to children and parents/caregivers.

A The advertisements

The out of home bus shelter advertisement was viewed on Tuesday February 12th 2019 at 1.00pm on Manukau Road, Royal Oak, Auckland (Bus stop number 8719). The advertisement shows a smiling young boy, wearing what looks to be a school uniform, holding a packet of Tiny Teddy Chocolate biscuits next to a salad sandwich and an apple. On the packet of biscuits are the words, “*Happy hastily heaped cocoa powder into a bucket and made a big cloudy powder puff*”. Next to this image are the words, ‘ADD A LITTLE LUNCHBOX LOVE’ and an image of a box containing 15 x 25g packets of Tiny Teddy biscuits in three flavours (honey, chocolate and choc chip). The box has three cartoon teddies on the front.

The digital advertisement was viewed on Thursday April 11th 2019 at 11.00am on the Arnott's website (<https://www.arnotts.com/products/tiny-teddy/>). The webpage shows three varieties of Tiny Teddy biscuits standing in front of two lunchboxes. There is a pink lunchbox containing a wholemeal sandwich, apple and packet of Tiny Teddy Chocolate biscuits and a blue lunchbox containing a wholemeal sandwich, grapes and a packet of Tiny

Teddy Honey biscuits. Below the image it states ‘Tiny Teddy biscuits are the delicious treat your kids will love. With no artificial colours, flavours or preservatives they’re sure to put a smile on everyone’s face.’

B Detailed Analysis of Breaches to the Children and Young People’s Advertising Code:

Principle 1:

Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

Rule 1(e):

Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle.

Analysis

The out of home advertisement does not observe a high standard of social responsibility. It appeals to children and is likely to result in harm due to promoting the regular consumption of a sometimes food and the normalisation of an unhealthy relationship with food.

Furthermore, the advertisement targets children. The product being advertised is principally for children, the presentation is appealing to children and it is placed in a location where a large number of children can be exposed to the advertisement. Tiny teddies are appealing to children due to their size and ‘fun’ shape. The advertisement is near a playground, a school and a childcare centre. It appeals to young children because it features a young boy and contains literacy and visual techniques that appeal to children. It uses bright colours, cartoon images and a story about one of the Tiny Teddies named Happy (“*Happy hastily heaped cocoa powder into a bucket and made a big cloudy powder puff*”). The story uses alliteration, a literary device commonly used in children’s story books because it is catchy, repetitive and memorable. Alliteration has been shown to hold greater appeal for consumers than non-alliterative messages¹. When considering the audience for this advertisement there is a need to err on the side of caution and take a common sense approach due to the unrestricted nature of out of home mediums as previously noted by the Complaints Board in their decision for complaint number 17/454.

¹ <https://www.sciencedaily.com/releases/2016/02/160212130139.htm>

The advertisement promotes an unhealthy lifestyle by promoting an unhealthy diet. It shows a child, wearing a school uniform, holding a 25g packet of Tiny Teddy biscuits next to two foods that are commonly recognised as healthy lunch foods. In New Zealand, children eat lunch at school on five days per week. The advertisements promote a packet of Tiny Teddy biscuits being added to children's school lunches, promoting regular consumption of biscuits and the addition of biscuits to a healthy school lunch.

Tiny Teddy biscuits are not a food to be consumed regularly. The 25g packet advertised is classified as a Sometimes food under the Food and Beverage Classification System. It is also worth noting that the biscuits are classified as a sometimes food not an occasional food simply due to the small serving size. The small serving size is not always likely to be adhered to by parents. Therefore, the amount of biscuits consumed by children may be higher. Biscuits are not included in any sample meal plans for children provided in the Ministry of Health Food and Nutrition Guidelines for Healthy Children and Young People². The advertisement also depicts Tiny Teddy biscuits as a mood enhancer and normalises an unhealthy relationship with food as contended on page 5.

Principle 2:

Advertisements must not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children or young people, abuse their trust or exploit their lack of knowledge.

Analysis

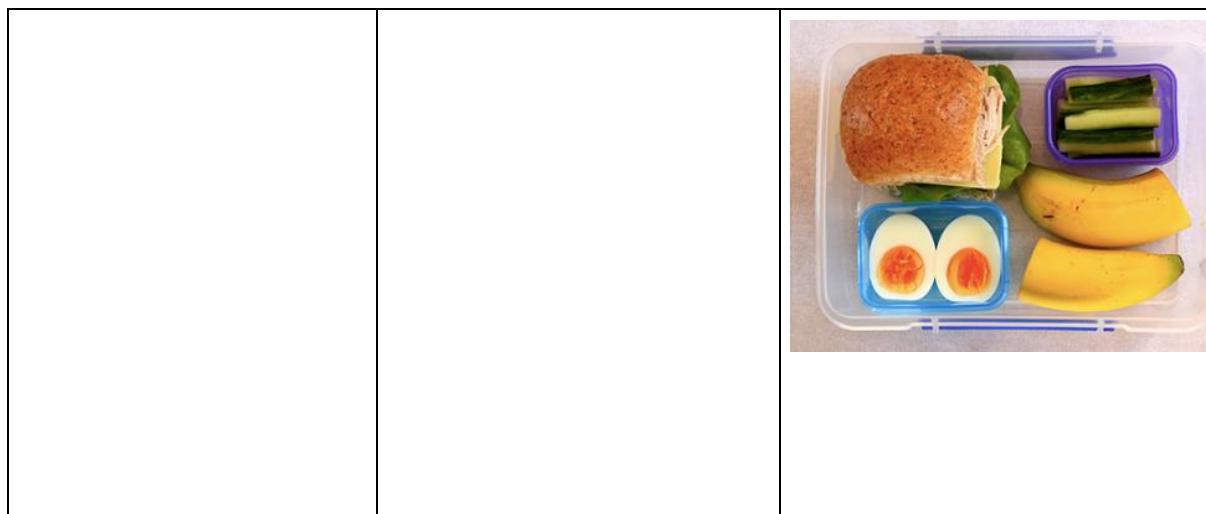
The out of home advertisement portraying Tiny Teddy biscuits as part of a healthy lunch is likely to be misleading to children. As discussed above the advertisement shows a 25g packet of biscuits in a lunch alongside healthy lunch foods. A 25g packet of biscuits does not belong in a healthy lunch.

Table 1 compares images of school lunches used in the campaign with an image of a school lunch on the Ministry of Health funded programme Fuelled 4 Life website. The images used in the campaign go against the Ministry of Health's Food and Nutrition Guidelines and undermine the work being undertaken to support healthy eating and lifestyles for school children.

Table 1. Comparison between lunch meals advertised and a recommended lunch

Out of home advertisement	Arnott's website	Sample lunch*
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² Ministry of Health. 2012. Food and Nutrition Guidelines for Healthy Children and Young People (Aged 12-18 years): A background paper. Partial revision February 2015. Wellington: Ministry of Health.



*Fuelled 4 life website <http://www.fuelled4life.org.nz/parents/parents-lunch-boxes>

C Detailed Analysis of Breaches to the Advertising Standards Code:

Principle 1:

Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h):

Advertisements must not undermine the health and well-being of individuals.

Analysis

The advertisements have not been prepared or placed with a due sense of social responsibility to children, parents/caregivers or to society. They promote biscuits as part of a healthy school lunch, and a way of increasing positive emotions. These are irresponsible messages for both children and parents/caregivers and do not align with the spirit of the code.

The corresponding guideline in the Code which elaborates on Rule 1(h) states that advertisers must not undermine the food and nutrition policies of the Government and the Ministry of Health, such as the Food and Nutrition Guidelines or the Eating and Activity Guidelines. The images used in the out of home advertisement communicate to children and parents/caregivers that Tiny Teddy biscuits are part of a healthy school lunch. This message undermines the health of children and the food and nutrition policies of the Government and the Ministry of Health. The Ministry of Health Food and Nutrition Guidelines for children do not recommend biscuits as a lunch, morning tea or afternoon tea food. Furthermore biscuits are not listed in any of the sample meal plans for children of any age or gender.³

Both advertisements depict Tiny Teddy biscuits as a way of increasing positive emotions. They play on the concept that eating food such as biscuits makes you feel good, a concept

³ Ibid.

that needs to be dispelled. The out of home advertisement shows a boy smiling while holding a packet of Tiny Teddy biscuits. The website states Tiny Teddy biscuits are “*sure to put a smile on everyone’s face*”. The out of home advertisement gives children and parents the takeout message that Tiny Teddy biscuits make you happy and both advertisements give parents the takeout message that Tiny Teddy biscuits make children happy. Research shows the consumption of occasional food products can actually have a long lasting negative influence on general mood and mental wellbeing as it impairs the function and structure of the brain⁴.

The out of home advertisement uses the quote ‘ADD A LITTLE LUNCH BOX LOVE’. This quote normalises an unhealthy relationship with food because it promotes the concept that giving Tiny Teddy biscuits for lunch are a way of demonstrating love.

The out of home advertisement was on a bus shelter on a main arterial road in Auckland. This placement exposes a large number of people to the advertisement and potentially a large number of children. Not only was it placed on a main arterial road, it was also placed near facilities that children frequent. It was located:

300m from Greenwood Medical Centre
 350m from the Cornwall Park Playground
 600m from Royal Oak Primary School
 950m from the Royal Oak Childcare Centre

D. Summary

The Arnott’s Advertisements have not been prepared or placed with a due sense of responsibility. They undermine the health and wellbeing of society and government efforts to reduce the rates of obesity in New Zealand by promoting and normalising unhealthy eating behaviours to children and parents/caregivers. Therefore, we believe the out of home advertisement is in breach of both codes and the website advertisement is in breach of the Advertising Standards Code.

Appendix A: Healthy Auckland Together signatories

Healthy Auckland Together is a coalition of organisations within the Auckland region that aims to: improve nutrition, increase physical activity and halt rising rates of obesity among Aucklanders. A priority focus within these aims is equitable outcomes for Māori, Pacific and lower-socioeconomic communities. With a broad range of coalition partners - including health, central government (including Ministry of Health and New Zealand Transport Agency), local government (including Auckland Council and Auckland Transport), sport, iwi, and non-government organisations - Healthy Auckland Together’s aim is to encourage change in the regional environment so it contributes to Aucklanders’ health and does not impede it. Healthy Auckland Together made a submission to the review of the Children’s Code for Advertising Food and the Code for Advertising to Children. Marketing to children is a key component of the environmental work undertaken by Healthy Auckland Together. This complaint is made by the following members of the Healthy Auckland Together coalition:

- Asian Network (TANI)
- Auckland Dental Association
- Auckland District Health Board

⁴ <https://www.mentalhealth.org.nz/assets/resourcefinder/feeding-minds.pdf>

- Auckland War Memorial Museum
- Auckland Regional Public Health Service
- Counties Manukau Health
- Diabetes Project Trust
- Disability interest groups
- Hāpai Te Hauora Tapui Limited
- Health Promotion Agency
- Healthy Families Manukau, Manurewa-Papakura
- Healthy Families Waitakere
- Heart Foundation
- Pacific Heartbeat
- Primary Health Organisations (7)
- Te Rūnanga o Ngāti Whātua
- Stroke Foundation
- Toi Tangata
- University of Auckland
- Waitemata District Health Board

Appendix 2

RESPONSE FROM ADVERTISER, ARNOTT'S

We disagree with the complainants' assertions that these advertisements (out-of-home bus shelter poster and webpage) breach the Advertising Standards Code or the Young People's Advertising Code, and we address the complainants' allegations below.

Arnott's takes care to avoid the positioning of occasional treat advertisements near schools, day care centres and playgrounds. The complainants originally misrepresented the actual location of the bus shelter poster, as the factual information provided by our placement agency confirmed. After you brought this error to the complainants' attention, they revised their complaint to correct the address of the bus shelter, but did not correct the section of their complaint relating to distances from certain places where children may be present. This section is copied below in blue:

The out of home advertisement was on a bus shelter on a main arterial road in Auckland. This placement exposes a large number of people to the advertisement and potentially a large number of children. Not only was it placed on a main arterial road, it was also placed near facilities that children frequent. It was located:

- 300m from Greenwood Medical Centre
- 350m from the Cornwall Park Playground
- 600m from Royal Oak Primary School
- 950m from the Royal Oak Childcare Centre

The correct distances, based on the evidence our placement agency has supplied and the agency's report that we shared with you, are:

- 390m away from Greenwood Medical Centre
- 550m away from Cornwall Park entrance
- 760m away from Royal Oak School
- 1,760m away from Royal Oak Childcare Centre

We do not believe either advertisement targeted children as its primary audience, but rather the main grocery buyer (typically a parent in households with children). We do not think many children visit the Arnott's website. However, in order to provide a comprehensive response, we have provided answers to the points raised concerning the Young People's Advertising Code.

We note that the out-of-home bus shelter advertisement was taken down on 17 February 2019 in line with the end date of that particular Arnott's advertising campaign.

Principle 1 of the Children and Young People's Advertising Code &
Principle 1 of the Advertising Standards Code

We do not believe that the occasional consumption of a small packet of plain sweet biscuits, when eaten as part of a healthy diet, is likely to result in physical, mental or moral harm to a child. We have taken care to show the inclusion of the Tiny Teddy mini pack as part of a healthy and balanced diet – the lunchbox on the bus shelter advertisement also contains a wholegrain sandwich with fresh tomato, lettuce & cheese and a green apple. The lunchboxes on the website also contain wholemeal sandwiches and fresh fruit (apple or grapes). We consider the advertisements do observe a high standard of social responsibility.

Rule 1(e) of the Children and Young People's Advertising Code &
Rule 1(h) of the Advertising Standards Code

We do not believe that the occasional consumption of a small packet of biscuits as part of a healthy diet promotes an unhealthy lifestyle, or undermines the health & well-being of individuals. We reject the complainants' assertion that enjoying an occasional treat promotes "the normalisation of an unhealthy relationship with food".

It is unreasonable to infer, as the complainants' have, that the advertisements promote the inclusion of a mini pack of Tiny Teddy biscuits with every school lunch. It would be equally reasonable to infer that the advertisement suggests a ham, cheese, lettuce and tomato sandwich should be used in every school lunch. Most parents provide their children with a variety of lunchbox items over the course of the school week. We submit that the advertisements just show one potential treat item that could be included in a lunchbox, at the parent's discretion – and that is all we intended to convey with the line "Add a little lunchbox love".

The advertisements do not contain any wording or other implicit messaging promoting the daily consumption of Tiny Teddy biscuits by children. On the contrary, the website copy says "Tiny Teddy biscuits are the delicious treat your kids will love." The common definition of "treat" is "an event or item that is out of the ordinary and gives great pleasure". We submit that a "treat" is something special or surprising that brings delight – it does not mean something that is experienced or consumed on an everyday basis.

We reject the complainants' view that the advertisements promote Tiny Teddy biscuits as a "mood enhancer". The statement about "a smile on everyone's face" should be read in its full and proper context. The complete statement is ""With no artificial colours, flavours or preservatives they're sure to put a smile on everyone's face." The sentence's emphasis is on the fact Tiny Teddy biscuits do not contain artificial colours, flavours or preservatives, and our suggestion that this will make parents smile (it is widely reported that there is a growing preference among consumers and especially parents for food products with fewer/no artificial ingredients).

We agree that occasional treat food can make children smile, but completely reject the complainants' view that this sentence recommends the product be used as a "mood enhancer", akin to anti-depressant medication, supplements or recreational drugs.

Principle 2 of the Children and Young People's Advertising Code

We reject the complainants' assertion that our advertisements mislead children into thinking that Tiny Teddy biscuits are a healthy food that should be consumed daily.

There is no claim or statement made in either advertisement pertaining to the healthiness of Tiny Teddy biscuits.

There is no statement in either advertisement promoting the daily consumption of Tiny Teddy biscuits. Rather, the word "treat" is used on the webpage, and we submit a "treat" is something special enjoyed once in a while, rather than on an ordinary/daily basis.

As mentioned above, we believe most parents try to give their children variety in their school lunchboxes, and that the advertisements show one option for a treat that might be included, at the parent's discretion.

Closing comments

We believe the complainants' letter is based on metamessages which they have read into the advertisements, possibly as a result of their organisational focusses and biases. These inferred subtexts include that the advertisements:

- (1) promote daily consumption by children of Tiny Teddy biscuits
- (2) suggest Tiny Teddy biscuits are a health/healthy food
- (3) equate enjoyment of an occasional treat food with "mood enhancers"

There is nothing in the advertisements that fairly supports any of these interpretations, and we submit that reasonable consumers would not view or understand our advertisements in a manner which includes any of these connotations.

Appendix 3

RESPONSE FROM MEDIA, OOH!MEDIA

At oOh!media we take the ASA Children and Young People's Advertising Code very seriously and take extensive precautions to uphold when placing our clients' campaigns.

Prior to the Code coming into full effect we took time to understand and interpret it in consultation with the ASA. We then meticulously mapped out each of our shelters against all school, dairies, playgrounds and other places where children congregate nationwide and put parameters in place within our systems that prohibit any product or service that would be deemed inappropriate to target children or young people to be placed within 250m of these sites. This includes Occasional Food and Beverage products.

Specifically, any ad panel within 250m of a school, playground, daycare or within 250m of a dairy that falls within 200m of a school, cannot be booked for a campaign that would fall under the 'prohibited' category. This process is built into our mapping and booking systems and regularly checked and updated.

Auckland Regional Public Health Service has alleged that a Tiny Teddy Poster was placed on an oOh! Bus shelter opposite a school.

oOh! has evaluated this complaint and compared the actual Tiny Teddy's campaign and site list against the alleged placement of the Poster. We have concluded that the complaint is false in regards where the Poster identified in the complaint was placed which was in fact further down the road and well outside the 250m exclusion zone from the school.

The following maps and images display the specific site that the Auckland Regional Public Health Service lodged a complaint against in relation to the Arnott's Tiny Teddy advertisement. The maps also show the actual site on Manukau Road 700m further down the road where that Poster was in fact placed. Also included are the site lists from the 2x campaigns that were running on the shelter where the Tiny Teddy Poster is alleged to have been, together with the Tiny Teddy site list, clearly showing that the Arnott's Poster was not placed on the alleged site and Arnott's did not breach the Children and Young People's Advertising Code with regards to placement through oOh!media. Also included is photographic evidence that the Poster photographed in the complaint is in fact taken at the site 700m away not the site outside the school. This supporting information clearly demonstrates that the placement of the Arnott's Tiny Teddy creative was well considered and fair and that the location noted within the complaint is incorrect and misleading.