

<b>COMPLAINT NUMBER</b>	20/259
<b>ADVERTISER</b>	The Griffin's Food Company
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	27 July 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Griffin's Facebook advertisement contains a video of a 10 second animated clip promoting a "bubbling lava challenge". The first frame of the advertisement says "Can your family avoid the lava to earn a bikkie?" with an animated picture of lava and a picture of the Griffin's cookie bear. The second frame includes a full animation of the cookie bear as well as an animation of a trampoline, toy truck, sprinkler and hose spurting water. Tape is rolled out which starts at cookie bear and rolls around the obstacles up to a door step. The last frame has the Griffins cookie bear character again, and states "Imagination never grows old."

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

**Complaint:** This complaint is made by the members of Healthy Auckland Together listed in Appendix A (We). We consider that the Griffin's advertisement breaches the Children and Young People's Advertising Code and the Advertising Standards Code.

1. Principle 1 of the Children and Young People's Advertising Code: the advertisement does not observe a high standard of social responsibility because it promotes unhealthy eating behaviours for children, thereby causing harm.
2. Rule 1 (i) of the Children and Young People's Advertising Code: the advertisement targets occasional foods to children. Griffin's biscuits are generally appealing to children, and the advertisement content is appealing to children.
3. Principle 1 of the Advertising Standards Code: The advertisement is not prepared with a due sense of social responsibility to parents/caregivers or children as it promotes unhealthy eating behaviours by encouraging the consumption of occasional food products to children.
4. Rule 1(h) of the Advertising Standards Code: The advertisement undermines the health of individuals by promoting the consumption of an occasional food product as a reward to children, encouraging unhealthy eating practices.

The Advertisement:

The Griffin's digital advertisement was viewed on Facebook at 10am on 15 April 2020. The video includes a 10 second animated clip promoting a "bubbling lava game". The first frame of the ad states "Can your family avoid the lava to earn a bikkie?" with an animated picture of lava and a picture of the Griffin's cookie bear. The second frame includes a full animation of the cookie bear as well as an animation of a trampoline, toy truck, sprinkler and hose spurting water. Tape is rolled out which starts at cookie bear and then rolls around the obstacles up to a door step. The last frame has the Griffins cookie bear character again, and states "Imagination never grows old."

<https://www.facebook.com/GriffinsNZ/videos/2571486293103828>

#### Analysis:

Biscuits are classified as an occasional food under the Food and Beverage Classification System. Many Griffin's biscuits are known to be generally appealing to children as they can be interesting shapes, colourful and have high sugar content.

We believe that the advert is socially irresponsible as it targets the consumption of occasional food to children and their parents/caregivers. The content of the advert appeals to children in a number of ways by:

- promoting a fun "lockdown" game,
- using the Griffin's Cookie Bear character
- illustrating childlike drawings of items that appeal to children such as a trampoline and toy truck.

The ad promotes a sense of brand loyalty through extensive use of the Cookie Bear character. Although the advert was released on Facebook where children are unlikely to have an account, the post is very likely to be shown to children to introduce them to the bubbling lava game.

We believe this advertisement undermines children's health by promoting the consumption of an unhealthy food product using a game. The ad encourages children to earn a biscuit and for parents/caregivers to reward children with a biscuit as a treat.

Playing games every day is a crucial part of childhood. We believe that promoting the use of occasional food products such as biscuits as a reward for playing a game normalises these foods for everyday consumption. Using food as a reward undermines healthy eating behaviours. It interferes with children's ability to regulate their eating naturally, and encourages them to eat when they aren't hungry. Using food as a reward may also make children associate unhealthy foods with particular moods. For example, when you feel good you should reach for something sweet.

We ask the ASA take into consideration that this advert was posted during the COVID-19 pandemic when New Zealand was at alert system level 4. The majority of New Zealander's were vulnerable and a captive market due to their enforced isolation. The post targeted their boredom, with children at home parents/caregivers were very keen for "activities" to keep them occupied. We acknowledge that the ad can be seen as uplifting to families. However, we believe that Griffins were exploiting the pandemic to push greater consumption of their unhealthy food products to children. We recognise that these are exceptional circumstances but the codes need to continue to be adhered to.

#### Summary

The Griffin's bubbling lava game advertisement is socially irresponsible as it clearly targets occasional food products to children, with its use of toy imagery and promotion of an interactive game in which they can "earn a bikkie." Using food such as biscuits as a reward encourages unhealthy eating behaviours and using them as part of a game normalises biscuits as okay for everyday consumption. We believe that the advertisement being released during the COVID-19 pandemic is unethical and exploits the vulnerability of our communities during this time.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(h); Children and Young People Advertising Code - Principle 1, Rule 1(i);**

## CHILDREN AND YOUNG PEOPLE’S ADVERTISING CODE

**Principle 1: Social Responsibility:** 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(i) Targeting children:** Advertisements (including 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.

## 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.

The Chair noted the Complainant is concerned the advertisement is socially irresponsible to target occasional food to children.

The Chair carefully reviewed the advertisement and said the issue of whether the advertisement had met the threshold to breach the Children and Young People’s Advertising Code was one of appeal versus targeting.

The Chair said the product, a biscuit as a reward, would have a high appeal to children. The execution of the advertisement rewarding a child for successfully completing the animated challenge was also likely to be highly appealing to children.

The Chair then turned to consider placement of the advertisement. She noted it appeared on the Griffins Facebook Page and the Advertiser confirmed it was further boosted to reach Facebook users who are parents aged over 20 years. The audience figures supplied by the Advertiser confirmed 82% of reachable audience for the boosted advertisement were between the ages of 20-44 with the remaining 18% aged over 45 years. The Advertiser confirmed the post had received 22 comments and been shared 26 times.

The Chair noted the Facebook policy that users are 13 years or older before they can register meant that children (defined in the Children and Young People’s Advertising Code as under 14 years) were not a significant proportion of the audience on the Advertiser’s Facebook page.

The Chair also referred to a precedent Decision 20/260, about a Facebook post for Hell Pizza which was not upheld by the Complaints Board. That Decision said in part:

“The Complaints Board said it was important to note that parents or caregivers viewing the advertisement were the gatekeepers of whether children were permitted to engage with the colouring competition and had control over whether the advertisement was exposed to children. Adult engagement was also required for the competition entry to be submitted to win a pizza. The Complaints Board said the advertisement had been targeted at adults as brand engagement rather than directly targeting children, although it agreed the activity within the advertisement was intended for children.”

Turning to the complaint before her, the Chair said any engagement most children had with the advertisement would be at the discretion of parents or caregivers, who also had control over what reward was offered, if any, upon completion of the challenge.

The Chair said the advertisement did not contain anything which encouraged excessive consumption, daily frequency or otherwise undermined the health and well-being of individuals. The Chair said the advertisement used the wording “earn a bikkie” which was a reference to one biscuit as a reward.

The Chair said the advertisement had not reached the threshold to breach Principle 1 and Rule 1(i) of the Children and Young People’s Advertising Code or Principle 1 and Rule 1(h) of the Advertising Standards Code.

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 calendar days of receipt of this decision.