

COMPLAINT NUMBER	21/206
ADVERTISER	Mondelez NZL
ADVERTISEMENT	Cadbury Television
DATE OF MEETING	30 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Cadbury television advertisement promotes the Twirl chocolate bar by showing a conversation between two women. One of the women says that she can read the other woman's future with the Twirl bar. She uses her phone to scan a cross-section of the bar and then says "So, it says you're going to get married or fired". The other woman is confused, saying she is already married. "Exciting" the first woman replies. The advertisement ends with the voiceover "Your future's in the swirls & curls" and the text "ReadMyTwirl.com".

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

Complaint: For the Cadbury Swirl Chocolate bar It makes the claim that the swirls contained within the inside of the bar can help you tell your future. ie has fortune telling capabilities. This is obviously false but there are a significant number of gullible people who may believe this to be true thus will buy the confectionary based on this claim. People who believe in tea leaves, astrology, and crystals as a way of telling the future to name but a few.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

Guidelines

Obvious untruths, exaggeration, puffery or deliberate hyperbole that are unlikely to mislead may be acceptable.

The Chair noted the Complainant's concern that gullible people might believe that scanning the inside of their Twirl chocolate bar on the Cadbury website might accurately predict their future and therefore the advertisement was misleading.

The Chair said the advertisement was intended to be light-hearted and relatable and the Advertiser was attempting to inject some fun into the brand and engage with consumers. The Chair noted that “Obvious hyperbole identifiable as such is not considered to be misleading” she did not believe consumers would be likely to be misled.

The Chair said the advertisement did not meet the threshold to breach Principle 2 or Rule 2(b) 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.