

<b>COMPLAINT NUMBER</b>	21/190
<b>APPEAL NUMBER</b>	21/008
<b>APPLICANT</b>	The Advertiser
<b>ADVERTISER</b>	Kellogg (Aust) Pty Ltd
<b>ADVERTISEMENT</b>	Kellogg's LCMs Television
<b>DATE OF MEETING</b>	16 September 2021
<b>OUTCOME</b>	Appeal Allowed, Complaint Not Upheld

## SUMMARY

The Complaints Board ruled on 22 June 2021, the complaint about a television advertisement for Kellogg's LCMs was Upheld.

The Advertiser appealed the Decision. It said the advertisement was not promoting LCMs as a regular, everyday snack and therefore the Advertisement does not reach the threshold to undermine the health and well-being of individuals. The Advertiser also said the fact that lunchboxes are filled every day cannot equate to a conclusion that a particular food should be included in the lunchbox every time.

The Advertiser suggested the complaint might be settled if they amended the advertisement to include an on-screen super that states "Enjoy as part of a healthy balanced diet".

The Chairperson considered that the Application raised sufficient grounds for the matter to be considered by the Appeal Board.

The Appeal Board agreed the advertisement did not reach the threshold to undermine the health and well-being of individuals. The Appeal Board said Kellogg's LCMs are an occasional treat food and the advertisement did not encourage regular or excessive consumption of this product.

The Appeal Board ruled the advertisement was not in breach of Principle 1 Rule 1(h) of the Advertising Standards Code and the Children and Young People's Advertising Code did not apply.

The Appeal was Allowed and the Complaint was Not Upheld.

**Decision:** Complaint **Not Upheld**, Appeal **Allowed**

Please note this headnote does not form part of the Decision.

---

## APPEAL BOARD DECISION

The Complaints Board ruled on 22 June 2021, the complaint about a television advertisement for Kellogg's LCMs was Upheld.

The Advertiser appealed the Decision. The Chairperson considered that the Application raised sufficient grounds for the matter to be considered by the Appeal Board.

The Chairperson directed the Appeal Board to consider the advertisement 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 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) Body image:** Advertising must not provide an unrealistic sense of body image or promote an unhealthy lifestyle.

#### **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.

**Principle 2: Truthful Presentation:** 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.

### Summary of Complaints Board Decision

The Complaints Board ruled, by a majority, on 22 June 2021, that the complaint was Upheld because it undermined the health and well-being of individuals. This is because it was encouraging parents to add an occasional food to their children's lunch boxes, on a regular basis.

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

A minority of the Board said the advertisement did not reach the threshold to undermine the health and well-being of individuals and was not socially irresponsible. The minority said the advertisement was not overtly promoting LCMs as a regular, everyday snack. The minority said it was up to parents whether they put an LCM bar in their children's lunch box regularly or occasionally.

### Summary of Advertiser's Appeal

The Advertiser appealed the Decision. It said the advertisement was not promoting LCMs as a regular, everyday snack and therefore the Advertisement does not reach the threshold to

undermine the health and well-being of individuals. The Advertiser also said the fact that lunchboxes are filled everyday cannot equate to a conclusion that a particular food should be included in the lunchbox every day.

The Advertiser suggested the complaint might be settled if they amended the advertisement to include an on-screen super that states “Enjoy as part of a healthy balanced diet”.

### **Summary of Complainant’s response to the Appeal**

The Complainant, Healthy Auckland Together (HAT), agreed with the decision of the majority of the Complaints Board, that encouraging the addition of an LCM bar to a child’s lunch does not align with the Ministry of Health recommendations.

The Complainant did not agree the complaint should be settled with the addition of “Enjoy as part of a healthy balanced diet”.

### **APPEAL BOARD DISCUSSION**

The Appeal Board carefully considered the complaint, the advertisement, the information provided by the Complainant and the Advertiser, precedent decisions and the Complaints Board Decision.

#### *Consumer takeout*

The Appeal Board noted the Complaints Board view that the likely consumer takeout of the advertisement was that kids will love getting this LCM puffed rice bar in their school lunch box.

The Appeal Board agreed with the Complaints Board that LCMs fit the definition of an occasional food.

The Appeal Board disagreed with the majority of the Complaints Board that the advertisement encouraged parents to *regularly* include an LCM bar in their children’s lunchboxes, rather than once in a while as a treat.

### **Reviewing the advertisement under the Children and Young People’s Advertising Code**

#### *Did the advertisement target children or young people?*

The Appeal Board agreed with the Complaints Board that the Children and Young People’s Advertising Code did not apply.

The Appeal Board noted the comment from the Advertiser that only 3% of the audience for the advertisement at the placement time complained of were children.

### **Reviewing the advertisement under the Advertising Standards Code**

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

The Appeal Board said the advertisement did not reach the threshold of undermining the health and well-being of individuals. The Board said the advertisement was not encouraging regular consumption of LCMs, which are a treat food.

The Appeal Board said the surprise shown on the faces of the girls opening the lunch box indicates that having an LCM bar included in the lunch box is not a regular occurrence. It is an occasional treat.

The Appeal Board said the advertisement was not promoting excessive consumption. It noted LCM bars are small and individually wrapped. One LCM bar is not a high proportion of the recommended average daily calorie intake. There are six LCM bars per pack.

The Appeal Board said the advertisement showed an LCM bar in the girl's lunch box, alongside other lunch items such as fruit and sandwiches.

*Was the advertisement socially responsible?*

The Appeal Board said the advertisement was socially responsible. This is because it did not reach the threshold of undermining the health and well-being of individuals.

The Appeal Board ruled the advertisement was not in breach of Principle 1 or Rule 1(h) of the Advertising Standards Code and the Children and Young People's Advertising Code did not apply.

The Appeal was Allowed and the Complaint was Not Upheld.

**Decision:** Complaint **Not Upheld**, Appeal **Allowed**

## APPENDICES

1. Description of Advertisement
  2. Original Complaint
  3. Summary of the Complaints Board Ruling
  4. Appeal Application from the Advertiser
  5. Response to the Appeal Application from the Complainant
- 

### Appendix 1

#### DESCRIPTION OF ADVERTISEMENT

The television advertisement for Kellogg's LCMs showed the reaction on a primary school student's face as she opens her lunchbox; she is excited to see the contents. The next scene shows the reaction on the faces of that student and another, as the first student opens her lunch box again. Inside the lunch box was an apple, some grapes, some lettuce sandwiches and a choc chip LCM bar. The bar is made to appear as if by magic. The voiceover said "Light up their faces with the awesomeness of puffed rice. LCMs are the sure-fire lunch box hit." The text said "Mum and Dad's sure-fire lunchbox hit".

### Appendix 2

#### ORIGINAL COMPLAINT FROM HEALTHY AUCKLAND TOGETHER

Complaint: Kellogg's LCM Television Advertisement

This complaint is made by the members of Healthy Auckland Together listed in Appendix A ('We').

A television advert for Kellogg's LCM bars was viewed on 20 January 2021, on TVNZ1 at 6.19pm during 1 News. We ask that the Complaints board considers all other instances of this advertisement in all media. We submit that the Kellogg's LCM television advertisement breaches the Children and Young People's Advertising Code and the Advertising Standards Code.

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

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 to children, thereby causing harm.
2. **Rule 1 (e)** of the Children and Young People's Advertising Code: the advertisement promotes an unhealthy lifestyle to children by promoting sweet snack bars as part of a healthy school lunch.
3. **Rule 1 (i)** of the Children and Young People's Advertising Code: the advertisement targets occasional foods to children. Both the product and presentation appeal to children. The advertisement was on at 6:19pm when a large proportion of children are watching with their families.
4. **Principle 2** of the Children and Young People's Advertising Code: the television advertisement is likely to mislead children that snack bars are part of a healthy school lunch.

5. **Principle 1** of the Advertising Standards Code: The advertisement is not prepared with a due sense of social responsibility as it promotes unhealthy eating behaviours.
6. **Rule 1(h)** of the Advertising Standards Code: The advertisement undermines the health of children by promoting a cereal bar as a school lunch food to children and parents/caregivers.

**The Advertisement:**

A primary school aged girl wearing a school uniform is shown in a school playground. She opens up her lunchbox. As she opens the lunchbox her eyes widen with excitement. The next scene is in the school classroom, with two girls opening up one lunchbox. They are both excited about the lunch box contents. One has her mouth wide open in surprise, the other puts her hands over her mouth. One of the girls shouts 'yes' and does a fist pump in her excitement. The lunchbox is then shown, which includes a sandwich, an apple and some grapes. Puffed rice pieces then magically appear and form an LCM bar which stands out above the other contents of the lunchbox. The corresponding words are 'light up their faces with the awesomeness of puffed rice'. The last scene is a visual of four packs of LCMs in the following varieties: Coco Pops, Kaleidos, Choc chip, and Splitstix yoghurt. A woman's voice states 'LCMs are the sure fire lunchbox hit'. 'Mum and Dad's surefire lunchbox hit' is written at the bottom of the screen. Fun, catchy music is played throughout the entirety of the advertisement.

The Kellogg's LCM advertisement can be viewed here:

<https://www.youtube.com/watch?v=UnJ1Jf1e7bg>

**Analysis:**

Kellogg's LCM bars fall into the Food and Beverage Classification System (FBCS) category of 'sweet snack foods'. The following table assesses two of the advertised LCM bar varieties under the FBCS. All types of LCMs in the television advertisement are classified as occasional.

	<b>Choc Chip</b>	<b>Splitstix Yoghurt</b>
Energy per 100g	1720kj (sometimes)	1900kj (sometimes)
Energy per serve	380kj (sometimes)	440kj (sometimes)
Saturated fat per serve	1.6g (sometimes)	<b>2.5g (occasional)</b>
Sodium per serve	56mg (sometimes)	64mg (sometimes)
Fibre per serve	<b>0.2g (occasional)</b>	<b>0.1g (occasional)</b>
Total sugar	6.9g (sometimes)	8.7g (sometimes)
Overall FBCS classification:	<b>Occasional</b>	<b>Occasional</b>

Kellogg's LCM snack bars have principal appeal to children and are mostly made for children to consume. The look of the product and the colourful product packaging, including cartoon

images, entice children to want to eat them. Some of the products advertised are further appealing due to added sprinkles or chocolate chips on top.

There are a number of factors that make the advertisement appealing to children:

- it is based within a school playground and classroom
- it features two young school children
- contains fun music and visual techniques.

Bright colours and catchy music are used throughout and there is a sense of fun with the LCM bar magically appearing in the lunchbox. This type of music is likely to grab children's attention to the television or internet.

The product and appeal of the advertisement is clearly targeting children however Kellogg's are circumventing the advertising code by adding the words 'Mum and Dad' to the advertisement.

According to the BSA 62% of NZ children (6 to 14) watch live or recorded free –to –air TV between 6pm and 8:30pm<sup>1</sup>.

The advertisement promotes the regular consumption of an occasional food, which is likely to result in harm to children's health. New Zealand children eat lunch at school five days per week and this advertisement promotes LCM snack bars a 'sure fire lunchbox hit'. This implies the snack food is an everyday food, despite their classification as an occasional food. No mention was made in the advertisement of the LCM snack bar being viewed as a "treat". These are irresponsible messages for both children and parents/caregivers and do not align with the spirit of the code.

In decision 19/229, which dealt with a Tiny Teddy biscuit out of home advertisement promoted as part of a lunch box, the Complaints Board notes:

*" a bus shelter advertisement for Tiny Teddy biscuits gave a 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"<sup>2</sup>*

The corresponding guideline in the Advertising Standards 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. By encouraging the addition of an occasional food, a LCM bar, as part of school lunches does not align with nutrition guidelines.

It is inappropriate for advertisements to encourage parents/caregivers to purchase occasional foods for their children's lunchboxes. There is a clear deficiency in the Children and Young People's code as it does not address advertising of occasional food and beverages to parents/caregivers who purchase food for children.

### **Summary:**

The Kellogg's LCM television advertisement has not been prepared or placed with a due sense of social responsibility to children, parents/caregivers or society. It targets occasional food to children. LCM snack bars are principally designed for children, the advertisement's

---

<sup>1</sup> Broadcasting Standards Authority (2020) Children's Media Use. <https://www.bsa.govt.nz/research-and-reports/research/all-research/childrens-media-use-research-2020/>

<sup>2</sup>Complaint 19/229 Appeal 19/015 Arnotts, Tiny Teddy Out of Home <https://www.asa.co.nz//backend/documents/2019/12/09/19229%20Appeal%2019015.pdf>

presentation is appealing to children, and it was scheduled during the 6pm news hour for exposure to large numbers of children when families typically view television together. The LCM advertisement promotes unhealthy snack bars as part of a healthy school lunch, going against Ministry of Health guidelines and the work being undertaken to support healthy eating and lifestyles for school children.

#### **Appendix A:**

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:

- Alliance Health +
- ARPHS
- Auckland Council
- Auckland Dental Association
- Auckland DHB
- Auckland PHO
- Auckland War Memorial Museum
- Cancer Society Auckland Northland
- Counties Manukau Health
- Comprehensive Care
- Diabetes Foundation Aotearoa
- Disabled Persons Assembly
- East Health Trust
- Hāpai te Hauora
- Healthy Families South Auckland
- Healthy Families Waitākere
- Heart Foundation
- Ministry of Health
- National Hauora Coalition
- Pacific Heartbeat
- ProCare
- Stroke Foundation
- The Asian Network Incorporated (TANI)
- Te Hiringa Hauora - Health Promotion Agency
- Te Rūnanga o Ngāti Whatua
- Toi Tangata
- Total Healthcare
- University of Auckland
- Waitemata DHB

## Appendix 3

### SUMMARY OF COMPLAINTS BOARD DECISION

In accordance with the majority, the Complaints Board upheld a complaint about a television advertisement for Kellogg's LCMs, which are a puffed rice snack. The majority of the Board said the advertisement undermined the health and well-being of individuals and was not socially responsible. This is because it was encouraging parents to add an occasional food to their children's lunch boxes, on a regular basis.

In accordance with the majority, taking into account context, medium, audience and product the advertisement was in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.

#### *Was the advertisement targeting children?*

The Complaints Board agreed the advertisement did not reach the threshold to target children, taking into account product, presentation and audience. This is because while the product does have high appeal to children and the presentation had moderate appeal to children, the target audience was adults.

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

### Advertisement

The television advertisement for Kellogg's LCMs showed the reaction on a primary school student's face as she opens her lunchbox; she is excited to see the contents. The next scene shows the reaction on the faces of that student and another, as the first student opens her lunch box again. Inside the lunch box was an apple, some grapes, some lettuce sandwiches and a choc chip LCM bar. The bar is made to appear as if by magic. The voiceover said "Light up their faces with the awesomeness of puffed rice. LCMs are the sure-fire lunch box hit." The text said "Mum and Dad's sure-fire lunchbox hit".

### Summary of the Complaint

The Complainant was concerned the advertisement promoted the regular consumption of an occasional food, and this is likely to result in harm to children's health.

#### Issues Raised:

- Social responsibility
- Health and well-being
- Appropriate targeting of Children
- Truthful presentation

### Summary of the Advertiser's Response

The Advertiser defended the advertisement and said it is not targeted to children or young people. It is to remind adult grocery buyers, that LCMs are a convenient lunch box treat. Only 3% of the audience for the Advertisement at the placement time complained of were children.

The Advertiser has taken care with the foods it has shown in the lunchbox, and the consumption of LCMs as a treat is not inconsistent with a healthy, balanced diet. The advertisement does not promote overconsumption of any food that appears, and a responsible serving size is shown.

## Appendix 4

## APPEAL APPLICATION FROM THE ADVERTISER

We refer to the decision of the Complaints Board dated 22 June 2021 (the **Decision**) in relation to complaint reference number 21/190 (the **Complaint**).

Kellogg notes that the Complaints Board was split in relation to this Decision, with the majority of the Complaints Board finding that the advertisement breached the Advertising Standards Code and the minority of the Complaints Board finding that the advertisement did not breach the Advertising Standards Code.

Kellogg submits that:

- the decision of the majority goes against the weight of evidence in this instance; and
- the decision of the minority is in line with the weight of evidence.

Accordingly, Kellogg submits that it is necessary in this instance for the decision of the Complaints Board to be set aside and a decision be entered in line with the decision reached by the minority. Specifically, that:

- the Advertisement is “not overtly promoting LCMs as a regular, everyday snack and therefore the Advertisement does not reach the threshold to undermine the health and well-being of individuals”; and
- “it is up to parents whether they put an LCMs bar in their children’s lunch box regularly or occasionally”.

Kellogg is also prepared to amend the Advertisement to include an on-screen super that states “Enjoy as part of a healthy balanced diet”. Accordingly, Kellogg submits that it would also be open to the Appeals Board to record a “Settled” decision in this matter, on the basis that all future publication of the Advertisement includes the above mentioned on-screen super.

Set out below are the reasons that Kellogg submits the decision of the majority goes against the weight of evidence and the reasons why the decision of the minority is in line with the weight of evidence in this instance.

- The cornerstone of the majority’s reasoning is that the Advertisement is “encouraging parents to add an occasional food to their children’s lunch boxes on a regular basis”.

The determinative part of the majority’s reasoning is the underlined words above. Without this conclusion, about regularity of consumption, it is not possible to find the Advertisement in breach of the Advertising Standards Code. The reason this holds true is because the mere eating of a treat, as part of a healthy balanced diet, cannot equate to undermining the health and well-being of individuals.

Kellogg submits that the conclusion reached by the majority, in relation to the underlined words above, was not a conclusion that was available to the majority to reach on a proper interpretation of the Advertisement. The reason for this, in line with the decision reached by the minority, is that the Advertisement says nothing about regularity of consumption. It is not, for example, showing the repeated packing of a lunchbox with the inclusion of an LCMs bar. Nor is the Advertisement depicting multiple days or showing anything else that suggests that parents should include an LCMs bar

in their children's lunchbox on a regular basis. In line with the decision of the minority, Kellogg submits that it is up to parents to make this decision.

Kellogg submits that it is a clear error, and a dangerous precedent to set, to reach a conclusion that the mere showing of a lunchbox, in connection with a food, amounts to a representation that the food shown should be included in the lunchbox on a regular basis.

The reasoning provided by the majority to support the conclusion reached about regularity of consumption is as follows, "This is because parents want to give children food they know they will like and eat and lunch boxes are filled each day."

Kellogg submits that the fact that parents know that children would like to eat an LCMs bar, says nothing about how regularly parents should give their children an LCMs bar. In fact, it is entirely consistent with the nature of a treat, that people like to consume them and at the same time they know that treats are to be consumed as part of a healthy balanced diet.

Further, the fact that lunchboxes are filled everyday cannot equate to a conclusion that a particular food should be included in the lunchbox every day.

The cornerstone of Kellogg's reasoning is that an advertisement needs to go further than this particular Advertisement before a conclusion can properly be reached that the advertisement is making a statement about regularity of consumption.

- The majority has also failed to give appropriate weight to the following two key facts:
  - LCMs have been available to NZ grocery buyers for many years and have been positioned to grocery buyers, over many years, as a convenient, treat food option. Accordingly, grocery buyers are very familiar with LCMs and the role they play in a healthy, balanced diet.
  - Kellogg's careful placement of the Advertisement was overwhelmingly successful in targeting and reaching an adult audience. The evidence provided by Kellogg establishes that the total child audience at the placement time complained of was only 3% and that the average child audience for the entire month of January was only 2.47%.

The above facts are critical for the following reason - the Advertisement was viewed by an adult audience who is very familiar with the role that LCMs bars play in a healthy balanced diet.

Kellogg submits that in this factual matrix, the inference drawn by the majority about regularity of consumption was not an inference that was available to the majority to draw. This matter does not relate to a new product that the viewing audience was not familiar with. This matter relates to a clearly established adult viewing audience who is very familiar with the product in question as a treat, to be consumed as part of a healthy balanced diet.

Kellogg submits that in this factual matrix it was not open to the majority to draw an inference that goes against the nature of the audience and its familiarity with the product.

- For the reasons set out above, and in Kellogg’s original submission, it is not accepted that the Advertisement is promoting regular consumption. However, even if it was determined that the Advertisement was promoting the inclusion of one LCMs bar as part of a healthy, balanced lunchbox on a daily basis we cannot see how it can be correctly concluded that consumption of a product that contains between 4%-5% of the daily recommended kilojoule intake can be regarded as going as far as undermining the health and well-being of individuals.

Set out below is the % kilojoule intake of each of the LCMs product variants shown in the Advertisement:

<b>Product</b>	<b>% daily kJ intake per serve</b>
LCMs Choc Chip	4%
LCMs Coco Pops	5%
LCMs Kaleidos	4%
LCMs Split Stix Yoghurty	5%

## **Conclusion**

For the reasons set out above, Kellogg submits that the decision of the majority in this instance should be set aside and a decision should be entered in line with the decision reached by the minority.

Alternatively, Kellogg submits that it is clearly open to the Appeals Board to enter a “Settled” decision in this matter on the basis that all future publication of the Advertisement includes an on-screen super which states “Enjoy as part of a healthy balanced diet”.

Kellogg appreciates the opportunity to provide these submissions to the Appeals Board in this matter.

## **Appendix 5**

### **RESPONSE TO THE APPEAL APPLICATION FROM THE COMPLAINANT**

Thank you for the opportunity to submit on the appeal of complaint 21/190.

HAT reiterates that the advertisement undermines the health and wellbeing of children. We continue to believe that showing an occasional food product in a school lunch box suggests that the product is a lunchbox staple. We agree with the majority of the Complaints Board that the advertisement breaches the Advertising Standards Code.

The advertisement does not align with the guideline in the Advertising Standards Code under Rule 1(h) 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. Encouraging the addition of a LCM bar, as an addition to a children's lunch does not align with nutrition guidelines. This point remains regardless of whether a treat is placed in a lunch box regularly or occasionally.

Kellogg notes the % kilojoule intake can not be regarded as undermining the health and wellbeing of individuals. Kellogg's LCM bars clearly fall into the Food and Beverage Classification System (FBCS) category of 'sweet snack foods'. This is the measurement used by the ASA to classify food and beverages relating to advertising. Hence, the product is deemed occasional and requires more caution when being advertised, particularly when it is relating to food and beverages of interest to children.

We do not believe that adding 'enjoy as part of a healthy balanced diet' to the advertisement mitigates the problems highlighted above. We therefore do not approve of the complaint being settled in this manner as the advertisement continues to be likely to result in harm to children's health. It is ambitious for Kellogg to assume that parents are very familiar with the role that LCMs play in a healthy balanced diet. Parents are likely to have varying levels of understanding and knowledge. It is inappropriate for any advertisement for occasional food and beverages to encourage parents/caregivers to purchase occasional foods for their children's lunchboxes.

In conclusion, Kellogg LCM bars are promoting unhealthy snack bars as part of a healthy school lunch. This is inappropriate regardless of regularity, although we believe that the advertisement promotes regular consumption. This goes against Ministry of Health guidelines and the work being undertaken to support healthy eating and lifestyles for school children. The advertisement does not align with the spirit of the code, and will be unlikely to do so even with the addition of a statement around a healthy balanced diet.