

COMPLAINT NUMBER	22/033
ADVERTISER	Mondelez NZL
ADVERTISEMENT	Cadbury Television
DATE OF MEETING	21 February 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Cadbury television advertisement shows a boy holding a bar of chocolate. He notices a girl sitting near him who is upset. In response to this, he opens the chocolate bar and offers it to her. They exchange a smile. The advertisement closes with a voiceover stating "there's a glass and a half in everyone".

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

Complaint: This advert is a really bad message - one child gives another sad child chocolate to "cheer them up" this pushing that sugar makes us feel better is wrong on so many levels. I work with obesity - chocolate is not comfort. These messages aimed at children should be banned.

Thank you

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

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.

Guideline

Advertisements for food or beverages must not:
Condone or encourage excessive consumption or show a quantity of food or beverage that exceeds the portion size that would be appropriate for consumption by the person or people of the age depicted in the advertisement

CHILDREN AND YOUNG PEOPLE 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.

Guidelines:

- Advertisers need to demonstrate that care is taken when evaluating the expected average audience composition prior to the placement of occasional food or beverage advertisements to ensure they are not targeted at children
- Measures to determine if children are likely to be a 'significant proportion' of the expected average audience may include one, or a combination of, the following:
 - Where accurate data exists 25% or more of the expected average audience will be children.
 - Child viewing time zones.
 - Content with significant appeal to children such as programmes, artists, playlists, video, movies and magazines.
 - Locations where children gather (eg schools, school grounds, pre-school centres, playgrounds, family and child clinics and paediatric services and during any children's sporting and cultural events).

The Chair noted the Complainant's concern the advertisement encourages consumers to eat chocolate to make them feel better.

The Chair said the advertisement did not reach the threshold to undermine the health and well-being of individuals. The product, chocolate, is an occasional treat food and the advertisement did not encourage or condone excessive consumption of a treat food. The Chair said the advertisement illustrated a play on the well-known 'glass and a half of milk' claim about Cadbury chocolate. In this case the phrase 'there's a glass and a half in everyone', is a reference to the 'milk of human kindness', as shown by the boy.

The Chair referred to a precedent decision, 18/179, regarding Facebook, Instagram and website advertisements for Red Bull, which was Not Upheld by the Complaints Board. The Board said while the advertisements had moderate appeal to young people the placement and content of the advertisements meant they were not targeted at children.

Turning to the complaint before her the Chair said this advertisement for Cadbury chocolate was not targeted at children or young people. The Chair said while the content of the advertisement and the product being advertised was likely to have some appeal to children and young people, the placement of the advertisement meant it was not targeted at that demographic.

The Chair noted the Complainant saw the advertisement at 6.20am during the AM Show. The Chair noted that according to information provided by Discovery NZ the audience figures for those aged under the age of 18 were around 1% and therefore children and young people were not a 'significant proportion' of the expected average audience.

The Chair said the advertisement for the treat food had been prepared with the standard social responsibility required and ruled it was not in breach of Principle 1 or Rule 1(h) of the Advertising Standards Code or Principle 1 or Rule 1(i) of the Children and Young People's Advertising 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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.