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| COMPLAINT NUMBER | 22/081 |
| COMPLAINANT | Healthy Auckland Together |
| ADVERTISER | Restaurant Brands NZ Ltd |
| ADVERTISEMENT | Pizza Hut Billboard |
| DATE OF MEETING | 17 March 2022 |
| OUTCOME | Settled – Media Error |

Advertisement: The Pizza Hut billboard shows a large image of a slice of pizza against a red background. The image shows a hotdog sausage inside the crust with tomato sauce and mustard on top. Text states, "SO GOOD YOU'LL WANT TO EAT IT BACKWARDS" and underneath, "HOT DOG STUFFED CRUST". The Pizza Hut logo is visible on the bottom left.

The Chair ruled the Complaint was Settled- Media Error

Complaint from Healthy Auckland Together:

This complaint is made by the members of Healthy Auckland Together listed in Appendix A ('We'). We submit that the Pizza Hut digital advertisement for hot dog stuffed crust pizza breaches the Children and Young People's Advertising (CYPA) Code and the Advertising Standards Code. The complaint relates to a Pizza Hut digital billboard advertisement that was viewed on 28 December 2021 at 7-11 Gillies Ave, Newmarket, Auckland.

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

1. Principle 1 of the Children and Young People's Advertising Code: this advertisement does not follow a high standard of social responsibility as it deliberately targets locations where children gather, thereby causing harm.
2. Rule 1 (i) of the Children and Young People's Advertising Code: the advertisement is right outside of the primary school grounds, where children gather. Children make up a significant proportion of the expected audience. The product is appealing to children as it is new and novel, and use of the bright red colour appeals to children.
3. Principle 1 of the Advertising Standards Code: advertisement does not provide a sense of social responsibility to the health and wellbeing of children. The location of the hot dog stuffed crust pizza advertisement is socially irresponsible as it normalises eating behaviours and goes against the Ministry of Health's Healthy Food and Drink Guidance for Schools.
4. Rule 1 (h) of the Advertising Standards Code: the advertisement undermines the health and wellbeing of children through normalising an unhealthy diet.

The Advertisement The digital billboard was on viewed on 28 December, 2021 at 7-11 Gillies Ave, Newmarket, right in front of Newmarket School. The advertisement is for Pizza Hut's hot dog stuffed crust pizza. The advertisement has a bright red background. It has a Pizza Hut

symbol at the top left of the ad. The billboard states in capitals: 'SO GOOD YOU'LL WANT TO EAT IT BACKWARDS. And below in smaller writing: HOT DOG STUFFED CRUST. Two school entrances are next to each other on Gillies Ave. The right side of the billboard has a picture of a slice of hot dog stuffed crust pizza, on top of a white napkin, with mustard being added to the crust. The digital billboard is a very large size, and it is clearly visible when walking into the school grounds. The foot of the billboard stands on the Newmarket School grounds. Out of Home Media Association Aotearoa (OOHMAA) Placement Policy

We submit that the Pizza Hut advertisement does not align to OOHMAA's placement policy. MediaWorks is a member of OOHMAA who are responsible for developing best practices for advertisers. OOHMAA has a placement policy that acknowledges that harm caused by unhealthy food and drink advertising being close to schools

1 . <https://oohmaa.co.nz/s/8321-OOHMAA-Placement-Policy-002.docx>

The placement policy states: 'OOHMAA members will not advertise Occasional Food and Beverage Products within a 300 metre sightline of the main entrance to a Primary and Intermediate School. Only foods and beverages classified under the Food and Beverage Classification System (FBCS) as being intended for 'everyday' or 'sometimes' consumption may be advertised within the restriction zone. Foods and beverages that are not classified under the FBCS and have a Health Star Rating of 3.5 or above may also be advertised within the restriction zone. The OOHMAA Placement Policy provides a simple mechanism to ensure compliance with criterion 3 above; Advertising on signs within a 300-metre sightline of the main entrance to a primary through to secondary school are more likely to have an average audience that includes a significant proportion of children or young people. Furthermore, the Out of Home industry has invested in technology to guarantee its compliance with this Policy. The industry's audience measurement tool, Calibre, can incorporate available government data on school locations to ensure no restricted advertising is displayed where it could target children or young people.' Breaches of the Child 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 (i) 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.

Analysis Pizza Hut's hot dog stuffed crust pizza comes in two flavours- meatworks and pepperoni. The advertisement looks like it includes the pepperoni pizza. Under the Food and Beverage Classification System (FBCS), the stuffed crust pizza is classified as an occasional food due to its energy and saturated fat content. Hence, under the CYPA Code this product must not be advertised to children. Pizza Hut Pepperoni Stuffed Crust Pizza Energy per 100g 1206.8kj Occasional Energy per serve 834.8kj Everyday Saturated fat per 100g 7.20 Occasional Sodium per 100g 431.9 Sometimes Sodium per serve 624.3 Everyday The serving size stated in the nutritional information is one large slice (69.2 grams). It is very unlikely That anyone would just eat one slice of pizza as a meal.

This advertisement fails to uphold an adequate level of social responsibility as it is an occasional food product advertisement in a location that targets children. This pizza appeals to children as it is new and novel. The bright red colour of the advertisement appeals to children and catches their eye. The biggest problem with the advertisement is its location. OOHMA's placement policy explicitly states that advertising right outside of school grounds are more likely to target children. With the children are likely to gather and therefore be the primary audience. Children are likely to pass through those areas twice every weekday. We

acknowledge that the advertisement was displayed during the school holidays. However, Newmarket School runs summer holiday programmes Monday to Friday. Therefore children were still likely to be a large proportion of the audience. In addition, the Morrow Street Medical Centre at 7 Morrow St (150m from the school) offers family and children clinics and Kids Cove learning centre at 8-12 Morrow St are directly in the sight line of the billboard. Breaches of the 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) Advertisements must not undermine the health and well-being of individuals.

Analysis This advertisement does not maintain a sense of social responsibility to children. The pizza ad is placed at the entrance of the school grounds where a large number of children gather. It normalises unhealthy food consumption for children. The ad is placed in an ill-considered location and does not align with the values of the code. The advertisement of occasional foods is a contributing factor to New Zealand's rising obesity rates. The main objective is to create food preferences for these unhealthy foods as a child, leading to lifelong unhealthy food preferences. The 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. The advertisement goes against the Ministry of Health's 'Healthy Food and Drink Guidance for Schools'. It undermines the work being undertaken to support healthy eating and lifestyles for school children. The Ministry of Health's 'Healthy Food and Drink Guidance for Schools' Guidance helps schools, families and whānau create a healthier food environment. It states food should be prepared with or contain minimal saturated fat, salt (sodium) and added sugar, and should be mostly whole or less <https://oohmaa.co.nz/s/8321-OOHMAA-Placement-Policy-002.docx>

Ministry of Health. 2020. Healthy Food and Drink Guidance – Schools. Wellington: Ministry of Health. <https://www.health.govt.nz/publication/healthy-food-and-drink-guidance-schools> processed. Pizza Hut's hot dog stuffed crust pizza fits into the guidelines' mixed meals red category. These are meals that contain no vegetables, fruit or green items or ingredients. Summary We consider this advertisement to be in breach of the Codes as it undermines the efforts that organisations have made to reduce the rates of obesity in New Zealand. This advertisement normalises the consumption of occasional food for children. This directly contradicts the positive actions by children to help reduce their risk of obesity and live a healthy lifestyle. Additionally, the Pizza Hut advertisement is not in line with best practice as set out in OOHMAA's placement policy.

Therefore, we believe that both the Advertising Standards Code and the Children and Young People's Advertising Code have been breached.

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.

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.

The Chair noted the Complainant was concerned the Pizza Hut advertisement had been placed in front of a school in breach of the Advertising Codes.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Advertising Standards Code and Children and Young People's Advertising Code had been breached. As part of the self-regulatory process, Advertisers and Media have the option of acknowledging a breach and taking action to comply with the Advertising Codes in the future.

Responses to the Complaint were received from the Advertiser and the Media.

The Advertiser, Restaurant Brands, said: Firstly please accept my apology that this error has even occurred. Restaurant Brands has a very clear and long-standing policy not to book outdoor media within 300m of schools which is well understood by PHD.

PHD (our agency) has confirmed to me that this site was booked as Added Value by MediaWorks (the media company) for a Pizza Hut campaign that ran between 27 December 2021 and 9 Jan 2022.

All our media partners have a process whereby they apply a filter to all Restaurant Brands bookings to ensure that no sites are booked within 300m of schools but in this instance MediaWorks over-rode this filter on the basis that it was in school holidays and therefore wouldn't be seen by children attending school. There was no communication with PHD about their decision.

The following actions have been taken to ensure this doesn't happen again:

- MediaWorks has 'blacklisted' this site for Restaurant Brands moving forward so it cannot be booked and is undertaking a full audit of all of their sites to apply the same block to any other sites that the 300m rule applies to – this will avoid any potential for human error moving forward.
- PHD has reconfirmed Restaurant Brands requirement to not book sites within 300m of schools with all OOH suppliers at all times, and checked that they have the necessary filters in place
- Where the booking process is manual, PHD has spoken to the team lead about communicating this requirement to all team members who work with PHD/RB.
- The PHD media planning team will now be required to check all sites proposed by media suppliers whether paid (PHD selects) or bonus.

The Media, MediaWorks, said: With regards to the ASA complaint of the Pizza Hut billboard placed outside a school, we would like to clarify the following:

Mediaworks is fully aware and respectful of the rules around not advertising within 300m of a school, and have in place a filter to ensure that sites that fall within these parameters cannot be booked by Restaurant Brands.

However, in the instance of this Pizza Hut site, which was a bonus site, the filter was overridden on the basis that it was live during the school holidays, when no children would be attending school.

We fully understand that regardless of schools being attended or not, this site placement is unacceptable for Restaurant Brands and will not happen again.

We have created a blacklist for all sites within 300m of schools, meaning that regardless of human intervention within our booking system, these sites cannot be booked for Restaurant Brands.

We apologise for this error and are confident that it will not happen again with the current systems in place

The Chair reviewed the Complaint and the responses. She noted the placement of the advertisement between 27 December 2021 and 9 January 2022. The Complaint was received by the ASA on 8 March 2022.

The Chair noted the confirmation from the Advertiser and the Media that the placement was an error by the media company. Given the Advertiser and Media's co-operative engagement with the process and the self-regulatory action to ensure this or similar sites are not used again, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled – Media Error

Chair's Ruling: Complaint **Settled- Media Error**

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.