

# Appendix J

## Food and Beverage Code

© Advertising Regulatory Board, 1 November 2018

### Table of Contents

1. Preamble
2. Scope
3. Interpretation
4. Honesty
5. Responsibility
6. Misleading
7. Social values
8. Product endorsement
9. Inexperience and credulity
10. Substantiation
11. Disclaimers
12. Testimonials
13. Marketing promotions
14. Marketing communications on pre-school and primary school premises

#### **1. Preamble**

- 1.1 Food and beverage advertising to children should not bring advertising into disrepute or reduce confidence in advertising as a service to the industry and to the public.

#### **2. Scope**

- 2.1 This code is intended to regulate the advertising of food and beverage products in general, and in particular advertising of such products to children.

#### **3. Interpretation**

- 3.1 Nutrition information and claims should be judged by the likely perception of the reasonable person at whom the advertising is directed or who is likely to be exposed to advertising.

#### **4. Honesty**

- 4.1 Food and beverage advertising should not be so framed as to abuse the trust of consumers at whom it is directed or who are likely to be exposed to it, or exploit their lack of experience or knowledge or their credulity.

#### **5. Responsibility**

- 5.1 Food and beverage advertising, including promotions, should not encourage poor nutritional habits or an unhealthy lifestyle in children, or encourage or condone excess consumption.
- 5.2 Portion sizes featured in food and beverage advertising should not be excessive or more than would be reasonable to consume by a person of the age depicted.

## **6. Misleading**

- 6.1 Presentations in advertising for food and beverage products should accurately represent the material characteristics of the product featured, in particular, but not exclusively, with regard to taste, size, nutritional content, health benefits, nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.

## **7. Social values**

- 7.1 As it is recognised that children of twelve years old and under are impressionable, food and beverage advertising should not mislead children about product benefits from use of the product. Such benefits include, but are not limited to, the acquisition of strength, status, popularity, growth, proficiency and intelligence.
- 7.2 Food and beverage product advertising should not undermine the role of parents or others responsible for a child's welfare in guiding diet and lifestyle choices.
- 7.3 Food and beverage product advertising should not directly appeal to children of twelve years old and under to persuade their parents or others to buy advertised products for them; or suggest any negative consequences of not purchasing the product.

## **8. Product endorsement**

- 8.1 Advertisers promoting food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1 of the Code of Advertising Practice, shall not use celebrities or characters licensed from third-parties (such as cartoon characters) in television advertisements targeted at children of twelve years old and under.
- 8.2 Clause 8.1 does not apply to company-owned characters.
- 8.3 Clause 8.2 does not apply to the use of characters on packaging, provided that the packaging does not appear in television advertising directed at children of twelve years old and under.

## **9. Inexperience and credulity**

- 9.1 Advertising directed towards children of twelve years old and under for food and beverage products should not create a sense of urgency.
- 9.2 Subject to the provisions of Clause 9 dealing with product endorsement, it is recognised that fantasy, including animation, may be appropriate in communication with children.
- 9.3 Care should, however, be taken not to exploit the imagination of a child of twelve years old and under in a way that could create expectations of unattainable product benefits or exploit a child of twelve years old and under difficulty in distinguishing between real benefits and fanciful benefits

## **10. Substantiation**

- 10.1 All claims, including nutritional information and claims about nutrition and health benefits, should be substantiated in accordance with Clause 4.1 of Section II.
- 10.2 Claims about nutrition and health benefits should be conveyed in a manner easily understood by the reasonable consumer.
- 10.3 Nutritional or health claims in television advertisements targeted at children of twelve years old and under, may not be made in respect of products that

do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1.

## **11. Disclaimers**

- 11.3 All disclaimers targeted at children of twelve years old and under should be understandable to them, taking into account their limited vocabularies and level of language skills.

## **12. Testimonials**

- 12.1 Testimonials should not contain any claim or implication to efficacy which is not substantiated in accordance with Section II, Clause 4.1.

## **13. Marketing promotions**

- 13.1 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1 should not use promotional activity in television advertisements primarily targeted at children of twelve years old and under.
- 13.2 Whenever promotions are used the means of entry, the products to be purchased, if any, and the conditions of the promotion, should be clearly communicated.
- 13.3 Advertising targeted at children of twelve years old and under should clearly communicate the likelihood of winning in wording readily understandable to them.
- 13.4 The prize(s) and the number of prizes should be clearly communicated.
- 13.5 Offers or invitations to enter a contract and/or competition or any agreement whereby a child would or could be eligible for a prize or any other benefit of whatever nature should not be aimed at children under the age at which those children can conclude a legally binding contract or agreement, unless such as offer of invitation clearly states that the offer or invitation should be accepted by a legal parent and/or guardian.

## **14. Marketing communications on pre-school and primary school premises**

- 14.1 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1, shall not advertise on, or in close proximity to, pre-school and primary school premises.
- 14.2 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1, shall not use any form of promotional activity, such as free gifts, on pre-school and primary school premises.