

# Ruling

## **Mondelez UK Ltd t/a Cadbury t/a Cadbury**

Cadbury House, Uxbridge Business Park, Sanderson Road, Uxbridge, Middlesex, UB8 1DH

Media: Poster, Poster, Internet  
(on own site), Internet  
(video)  
Complaint Ref: A18-459126  
Complaints: 2



### **BACKGROUND**

Two issues were investigated, of which one was Upheld and one Not upheld.



### **AD DESCRIPTION**

A poster seen on 19 July 2018, and a website, downloadable content, and two YouTube videos seen on 23 August 2018, for Cadbury's Freddo chocolate bar:

a. The poster ad featured a cartoon image of Freddo the Frog under the heading "Freddo AND THE MISSING HOP". Next to an image of the product packaging in the bottom left corner text stated "PARENTS, SEARCH 'MISSING HOP' FOR THE FULL ADVENTURE [www.cadbury.co.uk/freddo](http://www.cadbury.co.uk/freddo)". The poster was displayed at a bus stop close to a primary school.

b. The website, [www.cadbury.co.uk/freddo](http://www.cadbury.co.uk/freddo), featured branding which included the Cadbury logo, and webpages with a comic book, audio book, activities and promotions which featured images of Cadbury chocolate products.

The website required visitors to enter their date of birth, name, email address, mobile phone number, and city on their first visit. Text stated "You must be 16 years of age or over to enter. Please enter your details below for us to verify".

Text on the homepage stated "Parents, discover the adventures of Freddo! Here you'll find all sorts of fun Freddo activities, downloads and promotions for your kids - it's choc-full of fun!". Below were cartoon icons of Freddo labelled "FREDDO & THE MISSING HOP: COMIC BOOK" and "FREDDO & THE MISSING HOP: AUDIOBOOK" which when clicked allowed users to download a comic book and audiobook (ads (c) and (d), below), and icons labelled "FREDDO'S BIG ADVENTURE" and "FREDDO SUMMER FUN" which could be clicked through to an activities page.

The "Freddo Summer Fun" activities page included the text "Parents, get creative with Freddo this summer! Here you'll find froggy things to make with your kids". The page featured tutorial videos on how to make a frog mask, an origami hopping frog and frog cupcakes.

c. A promotions webpage on [www.cadbury.co.uk/freddo](http://www.cadbury.co.uk/freddo), which could be accessed by clicking through from the homepage of the website. A box appeared with text that stated

“Welcome to Freddo’s big adventure This site requires age verification”. Two boxes underneath allowed visitors to enter “YES I’M 18” or ‘NO I’M UNDER 18”. Clicking ‘yes’ allowed the user to proceed to the promotions page. The page featured images of the Cadbury Chomp, Dairy Milk buttons, Dairy Milk Freddo, Fudge and Curly Wurly chocolate bars. Text stated “WIN BIG ADVENTURES WITH FREDDO & FRIENDS There are 1000s of fun-filled adventures to be won, from Go Ape to Legoland. Have a look at all the amazing prizes here”. The middle section of the page featured a section headed “How to play” and included three steps and accompanying images. Text stated “1 Buy any participating bar [...] 2 Enter the barcode found on the back of your pack It’s the number underneath the area that you scan 3 Be in with a chance to win an adventure Click here to see what prizes are up for grabs. The bottom part of the page, headed “Prizes”, included the text “We’ve got three different tiers of adventures to give away. If you’re one of our lucky winners, you’ll get to pick your prize from your winning tier”. Prizes included tickets to Legoland, Chessington World of Adventures, Go Ape, London Zoo and a trampolining experience.

d. The downloadable comic book, titled “THE MISSING HOP”, featured an image of Freddo the Frog on the cover. The book told the story of Freddo’s mission to hunt down his friend Toad’s missing hop.

e. The downloadable audio book was an audio version of “THE MISSING HOP” as described in ad (c).

f. The first YouTube video on Cadbury’s YouTube channel, titled “Freddo meet Freddo-UK”, featured a cartoon Freddo the Frog interacting with a chocolate biscuit version of the character followed by an image of the biscuit’s packaging. On-screen text stated “Freddo meet Freddo” and “Now you can meet Freddo Biscuits too”. The caption stated “NEW Freddo Biscuits are spinning into the biscuit aisle. Crunchy biscuit dipped in delicious milk chocolate... Freddo meet Freddo!”.

g. The second YouTube video on Cadbury’s YouTube channel, titled “The Missing Hop” was captioned “Parents, search the ‘Missing Hop’ for the full adventure”. The short animation video featured Freddo, and a voice-over which stated “Deep in the heart of the jungle evil casts a shadow over good, and only one frog can save the day. It’s Freddo! He’s brave. He’s quick. He’s a good friend. Freddo and the Missing Hop”. On-screen text stated “PARENTS, SEARCH ‘MISSING HOP’ FOR THE FULL ADVENTURE [www.cadbury.co.uk/freddo](http://www.cadbury.co.uk/freddo)”.



## ISSUE

Two complainants, including The Children’s Food Campaign (Sustain) challenged whether:

1. Ads (a), (b), (c), (d), (e), (f) and (g) were ads for products that were high in fat, salt or sugar (HFSS product ads) that were directed at children through the media or context in which they appeared; and
2. Ad (c) was an ad for HFSS products which was targeted through its content directly at pre-school and primary-school children and included a promotional offer.



## RESPONSE

1. In relation to ad (a) Mondelez t/a Cadbury stated that due to an error made by JCDecaux

(the owner of the poster site) the ad was mistakenly placed close to a primary school, but it had been removed and steps would be taken in future to prevent this from occurring again.

JCDecaux stated that they had acknowledged that the ad had been incorrectly placed within 100 metres of a school and were taking steps to address the error.

With regard to the website, ads (b) and (c), Cadbury stated that the website featured branding, product images, promotions and communications in relation to Cadbury chocolate products and would therefore be an HFSS product ad for the purposes of the Code. They said that the website was a corporate website and its purpose was to provide information about products and promotions. They said that it was not focused on children under 16, did not have any child-friendly language, and its tone and presentation was not of any appeal to children. All the content and text was designed for the use of adults and parents and was targeted at adults to enjoy with their family.

They said they took steps to ensure that children were unable to access the website content by requiring visitors to enter their date of birth, name and address to ensure that the number of children under 16 visiting the page was minimised.

They did not feel that the downloadable comic book (ad (d)) was an HFSS product ad for the purposes of the CAP Code. They said when creating the comic book titled 'The Missing Hop' they removed all Cadbury branding including Cadbury purple, did not include the Freddo name in the title of the book, and it could only be downloaded by those over the age of 16. They clarified that the only reference to Freddo was in the context of the story and no references to chocolate products were made. They said that the comic book was intended to be read by parents to enjoy with their children and was not directly targeted at children.

Cadbury said that the downloadable audio book (ad (e)) was an audio version of 'The Missing Hop' comic book story; they considered it also was not an HFSS product ad. No reference to any chocolate product was made and the only reference to Freddo was in the context of the story. He was a character in the story as opposed to a chocolate product. They said that the audiobook was intended to be played by parents to enjoy with their children and was not directly targeted at children. They said that the audio book could only be downloaded by those over the age of 16.

With regards to ad (f), the YouTube video was featured on Cadbury's own YouTube channel and highlighted their new Freddo biscuit product. They said that no element of the content was directly targeted at children and the overall look, feel and messaging was towards an older audience. They said Freddo Biscuits were a sharing product, designed to be in tray format intended for family sharing occasions and targeted towards the wider population.

They said that ad (g) was also featured on their YouTube channel, with a call to action for parents to visit the website. As part of the Freddo campaign, they were using Freddo as a visual asset who lived in an animated world to engage with parents and he was not targeted at children.

They said that neither ads (f) or (g) were directly targeted at children, nor were they of any appeal to children as the call to action was for parents. They attached two demographic reports relating to the subscribers of their channel. They said the interface, language and functionality of the YouTube site were not targeting children.

2. Cadbury said that the promotion featured on the website, ad (c), required the purchase

of a product and entrants to the promotion had to be over 18 in order to be eligible. They said the prizes available to be won were not of overall appeal to children and were family prizes and the activities on the website were also for parents to enjoy with their family.



## ASSESSMENT

### 1. Upheld in relation to ads (a), (b), (d) and (e) only

The CAP Code required that HFSS product ads must not be directed at children through the selection of media or the context in which they appeared, and that no medium should be used to advertise HFSS products if more than 25% of its audience was under the age of 16.

CAP Advertising Guidance titled “Identifying brand advertising that has the effect of promoting an HFSS product” laid out that the promotion of HFSS products might occur both directly (where an ad featured an HFSS product), and indirectly through the use of branding that was synonymous with a specific HFSS product; that could be through product-related branding or company or corporate branding more broadly.

The ASA considered that because ad (a) featured an image of the packaging of a Cadbury Freddo chocolate bar, which was an HFSS product, it was an HFSS product ad for the purposes of the Code. The poster ad was located at a bus stop within 100 metres of a primary school. We considered that the proximity of the poster to the school was likely to mean that the audience of the ad was significantly skewed towards under-16s and because of that it was directed at children through the context in which the ad appeared. We therefore concluded that the placement of ad (a) breached the Code.

Ad (b), the Cadbury Freddo website, featured a cartoon image of Freddo the Frog, the Cadbury logo and distinct purple background as well as a Freddo-branded activities page. We considered that the Cadbury branding and the chocolate bars were likely to be familiar to young children and because the website featured Cadbury branding, which was associated with a mainly HFSS product range, the website was an HFSS product ad.

We then considered whether ad (b) was directed at children.

The landing page of the website required visitors to input personal information which included specifying an email address and mobile phone number. We acknowledged that website visitors were required to do more than just enter a date of birth to gain access to the website, but we were concerned that age-gates, even those which required additional information such as an email address, were not necessarily a deterrent to children.

The website also had a specific call to action for parents as the homepage was headed “Parents, discover the adventures of Freddo”. However that heading was followed by text which stated “Here you’ll find all sorts of fun Freddo activities, downloads and promotions for your kids - it’s choc-full of fun!” which we considered indicated that the content was specifically designed for, and intended to be engaged with by, children.

The “Freddo Summer Fun” activities page was headed “Parents. Get creative with Freddo this summer” and included embedded videos which were largely themed around Freddo the Frog, used the Freddo image as the video thumbnail and featured instructions on activities such as creating an origami frog and making frog cupcakes. While we understood that the activities would likely be carried out in the presence, or under the supervision of adults, we considered that they were specifically created as content for children under 16 years of age, which was also implied by text under each video which stated “Remember, adult

supervision is required at all times". We considered adults who visited the website would therefore direct children's attention to that content.

We acknowledged it was likely that visitors to the website would predominantly be adults. However, because the content of the website was designed to be engaged with by children, and adults were therefore likely to be visiting the website to enable their children to engage with its content, we concluded that ad (b) was directed at children through the selection of media or context in which it appeared.

Ad (c), the promotions page on the website, featured images of various Cadbury chocolate bars such as a packet of Buttons, a Curly Wurly bar and a Fudge. We considered that the inclusion of HFSS products on the page gave the effect of promoting HFSS products and therefore we considered that ad (c) was a HFSS product ad.

We then considered whether ad (c) was directed at children. The promotions page on the website was also age-gated and required users to confirm whether they were over 18, however as stated above, we considered that the age gate would not necessarily prevent children from engaging with the page. We considered that the prizes on offer such as a trip to the zoo and tickets to a theme park were appealing to children, but that they were also of appeal to parents. The page also featured instructional information on how to enter the promotion that we considered was directed at adults through its tone and we noted that only over-18s were allowed to enter the promotions. We therefore concluded that the promotions page on the website, ad (c), was generally directed at adults and was not directed at children through the selection of media or context in which it appeared.

With regard to both ads (d) and (e), the comic book and audio book, "The Missing Hop" prominently featured Freddo the Frog. We considered the names "Freddo" and "Freddo the Frog" were likely to be familiar to young children and that they would specifically associate those names with the Cadbury Freddo chocolate bar. Additionally, the cartoon images of Freddo in the comic book (and in the other ads under investigation) were of the same style as the cartoon image of Freddo on the Freddo chocolate bar pack, and the cartoon Freddo wore a T-shirt with a red 'F' on it which was the same colour and in a similar font to the font used on Freddo chocolate bars. We therefore considered that children would also associate the cartoon images of Freddo with the chocolate bar. We therefore considered that through the use of the Cadbury Freddo branding, ads (d) and (e) had the effect of promoting an HFSS product. Ads (d) and (e) were therefore HFSS product ads.

When considering whether ads (d) and (e) were directed at children, we acknowledged that the downloadable content was accessed by visitors to the website, who as referenced above we considered would be predominantly adults. However we considered that while children might engage with the comic book and audiobook in the presence of, or under the supervision of, adults, both were specifically created as content for children under 16 years of age and would be given to children to use. We considered the comic book and audiobook were therefore directed at children through the selection of media. Therefore we concluded that ads (d) and (e) breached the Code.

With regard the YouTube ads, ad (f) promoted a new HFSS Freddo chocolate biscuit, and prominently featured that biscuit. Ad (g) was an animated 'trailer' for "The Missing Hop" comic and audio books. We therefore considered that through the use of the Cadbury Freddo branding and by featuring a HFSS product, the YouTube ads had the effect of promoting HFSS products. Ads (f) and (g) were therefore HFSS product ads.

We then considered whether ads (f) and (g) were directed at children. We understood that



less than 25% of the Cadbury YouTube channel's registered subscriber base and users who viewed the videos on their channel whilst logged in were registered with YouTube as being under the age of 18. However, it was not possible to know what proportion of their audience generally, or for ads (f) and (g), were under the age of 18 because they could also be watched by unregistered users or users who were not logged in, whose ages were unknown. The nature of YouTube meant that, unlike some other online platforms which required users to be signed in to access the key functionality of the site, many users would not register or log in to watch videos. However, we did not have a basis on which to believe that there would be a significant difference between the demographic profile of users viewing Cadbury videos on their channel whilst not logged in and their logged in or subscribed viewers.

Ads (f) and (g) were posted on Cadbury's YouTube channel, which featured the Cadbury logo and a range of videos which featured Cadbury HFSS products and Cadbury branding. We considered that ads (f) and (g) were created for the purposes of promoting the new biscuit product and Freddo story book through short clips. Taking into account both the nature of the channel and the demographic data available we concluded that ads (f) and (g) had been appropriately targeted and did not breach the Code.

On that point ads (a), (b), (d), and (e), breached CAP Code (Edition 12) rule 15.18 (HFSS product ad placement).

On that point we also investigated ads (c), (f) and (g) under CAP Code (Edition 12) rule 15.18 (HFSS product ad placement) but did not find them in breach.

## 2. Not Upheld

The CAP Code required that HFSS product ads that were targeted through their content directly at pre-school or primary school children must not include a promotional offer.

As referenced in point 1, the promotions webpage in ad (c) on the Cadbury Freddo website was an HFSS product ad. The promotions webpage allowed visitors to enter a competition, and included a description of the prizes on offer, which included trips to theme parks which referenced family style ticketing such as "2 adults/ 2 children", as well as instructions on how to participate. We considered that some elements of the presentation of the promotions webpage in ad (c), such as the inclusion of Freddo imagery and pack shots of a selection of chocolate bars (Chomp, Buttons, Freddo, Fudge, and Curly Wurly) were of appeal to children. However, we considered that the imagery and the competition itself were appealing to adults as well as children, and the wording and tone used were primarily directed at adults rather than at children under 12. We therefore considered that the content was not directly targeted at pre-school and primary school children and concluded that ad (c) did not breach the Code in that regard.

On that point, we investigated ad (c) under CAP Code (Edition 12) rule 15.14 (HFSS product ad placement) but did not find it in breach.



### **ACTION**

Ads (a), (b), (d) and (e) must not appear again in the form complained about. We told Mondelez UK Ltd t/a Cadbury to take reasonable steps in future to ensure that HFSS product ads were not directed at children through the selection of media or the context in which they appeared.