

Ruling

Unilever UK Ltd

Unilever House, Springfield Drive, Leatherhead, Surrey, KT22 7GR

Media: Poster
Agency:
Complaint Ref: A19-565043
Complaints: 1



AD DESCRIPTION

Two posters for Ben & Jerry's ice cream, seen on 20 March 2019:

- a. The poster included the Ben & Jerry's logo and the text, "NEW MOOPHORIA LIGHT never tasted so RIGHT" and was displayed close to a secondary school.
- b. The poster included the same text and images as ad (a) and was displayed on a wall close to a primary school.



ISSUE

The Children's Food Campaign (Sustain) challenged whether ads (a) and (b) were for a product that was high in fat, salt or sugar (an HFSS product ad) that were directed at children through the selection of media or context in which they appeared.



RESPONSE

Unilever UK responded that Ben & Jerry's audience was 18 to 35 year olds and their policy was not to advertise to children, which was taken into account when buying media whether that was online, on TV or outdoors.

Unilever UK said they were disappointed to see that their ads had been mistakenly placed near schools and that the ads were removed immediately and additional guidelines were given to their media buying agency to ensure that the error was not repeated.

Build, the poster site owner, responded that the ice cream had fewer calories and less fat than regular ice cream so they did not regard it to be high in fat.

Build said that the ads were given a general distribution and that they did not consider that they were targeted at children. They explained that ad (a) was placed in an area with a lot of foot traffic and a night industry and that ad (b) was placed to target adults visiting Portobello market and the night life around the area.



ASSESSMENT

Upheld

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. Ads (a) and (b) were for Ben & Jerrys Light ice cream variants, which were HFSS products, and the ads were therefore HFSS product ads for the purposes of the Code.

The ads were located within 100 metres of schools. We considered that the proximity of the posters to the schools was likely to mean that the audience of the ads were significantly skewed towards under-16s and because of that they were directed at children through the context in which they appeared. We therefore concluded that the placement of both ads breached the Code.

Ads (a) and (b) breached CAP Code (Edition 12) rule 15.18 (HFSS product ad placement).



ACTION

The ads must not be displayed again in close proximity to a school. We told Unilever UK Ltd to ensure that they took measures in future to ensure that HFSS product ads were not displayed in close proximity to a school.