

CARU's Food-Related Guidelines and Examples of Cases

Current Guideline	Case Examples
<p>"Copy, sound and visual presentations should not mislead children about product or performance characteristics . . ." including "nutritional benefits."</p>	<p>Fruit snacks (Great A&P Tea Co.)</p> <p>CARU questioned whether packaging, which stated "FRUIT SNACKS" and "Made with Real Fruit Juice," conveyed that products contain mostly fruit juice and are nutritionally equivalent to eating fruit. CARU concluded: (1) the packaging was child-directed advertising; (2) the phrase "Made with Real Fruit Juice" coupled with "100% Daily Value Vitamin C" could lead children to believe that the product contains 100% fruit juice; and (3) the advertiser may not have intended to convey this message, but this is not controlling. CARU recommended that the advertiser stop using "Made with Real Fruit Juice" or clearly disclose the percent of real fruit juice. The advertiser declined to provide percent. Advertiser agreed to change name to "Fruit Flavored Snacks" and to modify ad in accord with CARU's decision.</p> <p>Case #4531 (7/25/06)</p>
<p>Advertising should not mislead children about the benefits of using the product, which "may include, but are not limited to, acquisition of strength . . . growth . . . and intelligence."</p>	<p>Sunny Delight (Proctor & Gamble Co.)</p> <p>CARU found that a TV ad incorrectly conveyed to children through statements and images that drinking Sunny D would make them strong and that it contains large amounts of fruit: (1) the ad focused on the word "power," not "taste"; (2) visuals showed a bottle breaking out of a concrete block, as well as large fresh fruit pieces; and (3) beverages must be 100% fruit or vegetable juice to be called "juice" without further qualification per federal regulations. CARU asked the advertiser to include a voiceover disclosing specific juice content (5%). The advertiser also agreed to change the ad's opening line and to take CARU's concerns into consideration for future ads.</p> <p>Case #4040 (4/30/03)</p>
<p>Product amounts featured "should not be excessive or more than would be reasonable to . . . consume . . . in the situation depicted."</p>	<p>Chef Boyardee beef ravioli (ConAgra Foods)</p> <p>CARU found that a TV ad showing a boy/monster at night chugging a can of ravioli containing two servings could encourage children to overeat. CARU noted attention on childhood obesity, which made it "very concerned with whether serving sizes depicted in food ad[s] are excessive." ConAgra submitted parts of a consumer perception study, but these did not address children's understanding of what was eaten. So CARU used its expertise to determine what message children would take away. It concluded that overconsumption was conveyed due to several factors, including: (1) the monster's ferocious hunger; (2) the night setting; (3) the chugging; and (4) the copy "Only the rich meaty sauce of CHEF BOYARDEE can tame the beast in you." CARU understood that ConAgra intended to be humorous, but an advertiser is responsible for all reasonable interpretations of claims, not just intended ones. "Given the sensitivities of the current climate," CARU concluded, "such a depiction of bestial hunger and careless over-consumption violates CARU's Guidelines." ConAgra agreed to stop running the ad.</p> <p>Case #4711 (8/16/07)</p>

Current Guideline	Case Examples
<p>Food advertising “should . . . not discourage or disparage healthy lifestyle choices or the consumption of fruits and vegetables, or other foods recommended for increased consumption” according to federal dietary guidelines for children under twelve.</p>	<p>Kids Meals (Burger King Corp.) CARU was concerned that TV and web ads for Kids Meals would mislead children about what options are available because they showed almost exclusively a double cheeseburger, fries, and a Coke. CARU found it a violation to show only higher-calorie, higher-fat options when there are healthier ones.¹ Though CARU’s goal is to make children aware of options and not to prohibit the advertising of any options, it encouraged BK to show alternatives. Adding a disclaimer to the TV ad that said “Other fun Kids Meal options available,” was sufficient. BK agreed to change future ads to provide a clearer idea of options and to highlight lower-calorie ones if applicable. It also agreed to modify the kids section of its website to clearly convey all food options offered and to show CARU the proposed changes before final release.</p> <p>Case #4298 (3/9/05)</p> <p>Apple Jacks (Kellogg Co.) CARU was concerned that a TV, print, and web ad campaign conveyed a message that apples taste bad and that the product’s sweetness comes from cinnamon, not sugar. After a lengthy review of Kellogg’s arguments, including a focus group study the company provided, CARU concluded that children could reasonably take away the message that apples are bad for them, do not taste good, and should be avoided as a breakfast food and that cinnamon alone made the cereal sweet. CARU recommended Kellogg refrain from running the ads. Kellogg agreed to stop.</p> <p>Case #4453 (2/14/06)</p>
<p>Food ads should depict the product’s “appropriate role . . . within the framework of the eating occasion depicted.” Ads showing meal times should show food “within the framework of a nutritionally balanced meal.” A footnote adds that meals should have at least three of five food groups, and preferably foods recommended for increased consumption by federal dietary guidelines.</p>	<p>Reese’s Puffs (General Mills) CARU was concerned that a TV ad might encourage excessive consumption because it suggested that children in the ad were going to eat the cereal out of the box, and it found that the ad was not clear about whether the cereal was being used as a snack or as breakfast. CARU also had concerns that the use of the Reese’s logo (separate from the Reese’s Puffs logo), as well as the “Reese’s for breakfast!” tag, would leave children who were familiar with the Reese’s Peanut Butter Cups candy with the net impression of “candy for breakfast!” General Mills responded that the ad would no longer run and that the company would remind its advertising agencies of the importance of depicting accurate serving sizes in cereal ad campaigns. It pledged to “bear CARU’s thoughts in mind” about clear presentations of the product as breakfast cereal and not as snack food for future Reese’s Puffs ads.</p> <p>Case #4412 (11/11/05)</p>
<p>Snack foods should be depicted as snacks, not meals.</p>	<p>Macaroni and cheese (Kraft Foods Global) A TV ad showed a child eating a bowl of product and nothing else. CARU noted that due to increasing social attention on childhood obesity, the agency is “particularly concerned” about nutrition-related claims and works to ensure that advertisers depict nutritionally balanced meals and that snacks are depicted as snacks, not as meal substitutes. CARU ultimately determined that the ad was acceptable and that the “eating occasion” depicted was a snack rather than a meal. For this determination CARU relied on several details: the girl was seated by herself; a backpack was placed on a nearby counter, indicating that she had just returned from school; and the lighting indicated it was afternoon, not evening.</p> <p>Case #5204 (8/5/10)</p>

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions. ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

Support for this document was provided by a grant from the Robert Wood Johnson Foundation.

© 2013 ChangeLab Solutions

¹ CARU found this also violated the guideline that “[w]hat is included and excluded in the initial purchase should be clearly established.”