



**Wednesday, 13 April 2016**

Codes Review Panel  
ASA Secretariat  
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Submitted via email: [asa@asa.co.nz](mailto:asa@asa.co.nz)

Dear panel members

Thank you for the opportunity to contribute to the Advertising Standards Authority's Consultation on the Review of the Code for Advertising to Children and the Children's Code for Advertising Food.

Mondelēz International (formerly Kraft Foods Inc.) is the maker of New Zealand's loved food brands – including Cadbury, Pascall, The Natural Confectionery Company, Vegemite and Oreo. Although new in name, we carry forward the values of our legacy organisation and the rich heritage of our iconic brands. Our mission is to create delicious moments of joy in everything we do. Headquartered in Auckland, we have 500 employees and manufacture in Dunedin.

As a leader in the New Zealand market, we recognise the critical role we play in empowering consumers to snack mindfully - it is part of our mission. We therefore take great responsibility in participating in this consultation process and ensuring the appropriate advertising of products takes place across the New Zealand market.

### **Our responsible marketing to children approach has been a long-standing commitment**

Our marketing to children approach is embedded in our business and goes beyond current industry norms. As the world's largest snack company, we were one of the first fast moving consumer goods companies to announce global advertising to children principles over a decade ago. Since then, we have further strengthened our marketing to children approach. We focus all advertising efforts towards the parents and adults, giving them information and choices to help make mindful snacking decisions for themselves and their families. We do not believe in marketing directly to children under 12 years of age.

Our policy position is in addition to legal requirements in countries as well as self-regulatory commitments and country marketing pledges we have committed to. In general, we:

- Direct our advertising to gatekeepers (adults, parents, guardians) who make purchase decisions, as well as people age 12 and older.
- Restrict promotional tie-ins to licensed characters and movies rated PG and above for products that do not meet specific nutrition criteria; and only offer premiums/toys that appeal to children age 12 and older.



- Prohibit all advertising and any type of commercial messaging or in-school marketing in primary and secondary schools
- Prohibit all marketing activities and techniques, including promotions, use of licensed characters, and premiums that appeal to children under 6 (pre-school children).

### **Nutrition criteria already informs our approach**

Mondelēz International already uses nutrition criteria to inform its advertising policy. For example, we allow promotional tie-ins for products for certain audiences that meet specific nutrition criteria and are deemed a 'qualifying product'. Qualifying products are those that meet nutrition criteria under our Sensible Solution standards. In order to qualify for nutrition criteria a product must meet certain calorie, fat, sugar and sodium limits and contain certain positive nutrients.

In addition to the use of nutritional criteria, we recognise that we have a role to play in ensuring consumers understand what they're eating, that's why all our products have nutritional panels on the back, plus an additional daily intake guide on the front of pack. We have had a focused approach on rolling out the daily intake guide which features on 98 per cent of our products. This work has been undertaken in a way that aligns with labelling requirements in multiple countries.

### **Views on different media formats**

Mondelēz International does not advertise its products in any media primarily directed at children under age 12 - regardless of the product's nutrition profile. This applies to all media. Advertising creative must be designed primarily to appeal to adults or children age 12 and older through tone, messaging, and look/feel, including the look/feel of any animation used in the creative.

Guidelines for specific media and vehicles covered are articulated in our internal policies, and media channels covered include:

- Television
- Magazines, print material and radio
- Internet and online/digital media (this includes company corporate and brand websites, third-party websites and online brand applications)
- Smart phones/tablets/mobile media, including digital apps and mobile games
- Social media, word of mouth (WOM) and viral advertising
- Product placement
- In-cinema, streaming movie services and DVDs/Blu-ray discs advertising
- Video and computer games (including gaming systems, such as Xbox and PlayStation)

Further policy consideration is given to the following formats:

- On-pack communications, promotions and premiums
- Use of third-party licensed characters and movie tie-ins
- Specific guidance for on-pack promotions with third-party licensed character and/or movie tie-ins
- Event marketing and in-store communications (including sampling)



Our approach is comprehensive and certainly recognises the changing way consumers interact with our products.

In summary, Mondelēz International recognises the market-leading role it has in advertising its products to parents and adults, giving them information and choices to help make mindful snacking decisions for themselves and their families. As a company operating in an already complex and regulated environment, it is imperative that our ability to do business remains as simple as possible. Therefore measures to simplify codes to make them easier to adhere to would be welcomed.

We thank you for the opportunity to participate in this consultation, and welcome you to contact us should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephanie Saliba', with a stylized flourish at the end.

**Stephanie Saliba**  
**Head of Corporate and Government Affairs**  
**Australia and New Zealand**