

| Case ID: 78 |                       | Decision    |             |
|-------------|-----------------------|-------------|-------------|
| To          | EU Pledge Secretariat | Date of mtg | 14 May 2021 |
| From        | EASA Secretariat      | Date sent   | 20 May 2021 |

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### Ruling – PepsiCo

#### Description

PepsiCo Cheetos Social media post in Greece

#### Complaint

Cheetos, Rock, Paper, Scissors Game

This short video posted on Cheetos Greece [Instagram](#), [Facebook](#) and [Youtube](#) pages and shows a family having fun together whilst eating and playing with the advertised savoury snack product 'Cheetos'. The post promotes the different Cheeto shapes which are available in the packets which can be used to play a 'Rock, Paper, Scissors'-style game. It shows two young teenagers and their father pulling a crisp shape each out of the packet with the father pulling the winning shape out, which beats the shapes of his children. The mother then jumps into the scene with her own Cheetos crisp shape, which beats all the other shapes.

Finally the video shows the arm of Chester, the Cheetos brand character holding one of the snack shapes.

They present the snacks as a play which is very appealing to children:

*"Cheetos snack Stone, Scissors, Corn prawns with BBQ barbecue flavor!*

*Listen carefully to the rules and solve the daily dilemmas in the most playful and enjoyable way!*

*The rules of the Cheetos game are simple:*

*The scissors beat the sole*

*The foot beats Petra*

*The stone beats the scissors"*

The emphasis on a childish game such as Rock, Paper, Scissors being incorporated into the snack product itself, which would be of obvious appeal to young children under 12, the underlining of fun and play within a safe family setting, the fact that a packet of Cheetos would need to be purchased in order to play the game, the presence of the Cheetos brand character Chester, the presence of young people in the ad, demonstrate that this would be a marketing example directed towards children, including those under the age of 12 years old.

### **Advertiser's response**

PepsiCo was one of the founding members of the EU Pledge and has implemented the Pledge commitments across the EU 27 since their launch in January 2009. We have supported the development of the updates to those commitments in 2012 and 2014, and apply the EU Pledge provisions in conjunction with our global responsible marketing policy which can be viewed here: [https://www.pepsico.com/docs/album/esg-topics-policies/pepsico-policy-responsible-advertising.pdf?sfvrsn=946f3f11\\_13](https://www.pepsico.com/docs/album/esg-topics-policies/pepsico-policy-responsible-advertising.pdf?sfvrsn=946f3f11_13)

The complaint references a video as part of the Rock, Paper, Scissors, Paw campaign posted by our Cheetos team in Greece on our Instagram, Facebook and YouTube pages. This video was produced in line with the theme of family fun, and as such, we believe it targets the whole family, rather than an audience made up mainly of children, as the complaint seems to suggest. One of the ways we have sought to ensure the family positioning is to use child actors that are over the age of 16, thereby speaking to an older audience, in line with our commitment of not targeting children under the age of 12. We would also like to emphasise that the Rock Paper Scissors (RPS) game is played by people of all ages, as evidenced by relevant RPS themed Tournaments, as described here: [https://en.wikipedia.org/wiki/Rock\\_paper\\_scissors#Tournaments](https://en.wikipedia.org/wiki/Rock_paper_scissors#Tournaments)

Nevertheless, in reviewing the video and its messaging, we have decided the tonality of the calls to interact with the snack shapes may be particularly appealing to younger audiences, so we have decided to remove the video from the channels referenced.

### EU Pledge commitment

- *EU Pledge members commit either to:*
  - *Only advertise products to children under the age of 12 years that meet the common EU Pledge Nutrition Criteria; or*
  - *Not to advertise their products at all to children under the age of 12 years.*
- *The above policy covers marketing communications for food and beverage products that are primarily directed to children under 12 in covered media.*
- *Marketing communications means paid advertising or commercial sales messages for food and beverage products, including marketing communications that use licensed characters, celebrities, influencers, and movie tie-ins primarily appealing to children under 12. Company-owned, brand equity characters are not covered by the policy.*
- *Primarily directed to children under 12 means advertising in measured media where 35% or more of the audience is under 12 years of age. Where adequate data are unavailable, companies will consider other factors as appropriate, which may include the overall impression of the advertising, actions taken to restrict child access and the target demographic based on the company's media plan.*
- *Covered media means the following vehicles: TV, radio, print, cinema, online (including company-owned websites and company-owned social media profiles), DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing, mobile and SMS marketing. Packaging, in-store and point of sale as well as forms of marketing communications which are not under the direct control of the brand owner, such as user-generated content, are not covered by this policy.*

## Decision

The advertised product (Cheetos) is not compliant with the EU Pledge nutrition criteria, therefore marketing communications surrounding the promotion of the food product must not be directed or be appealing primarily to children under 12 years old. Company-owned social media profiles fall under the non-measured media category, meaning that adequate audience metrics are unavailable. Consequently, the Panel is presented with the task to assess the overall creative execution of the advertisement at hand – in this case the Greek Cheetos ad campaign appearing on YouTube, Facebook, and Instagram.

The Panel noted that as social media platform, YouTube, Facebook, and Instagram bar anyone under the age of 13 to create a profile. However, as per the EU Pledge commitment, an age-gating system is not sufficient on its own to guarantee the ad's compliance with the commitment.

Regarding the creative execution of the advertisements, the Panel considered the fact the whole ad campaign revolves around playing Rock, Paper, Scissors with the product, with Paper being replaced by Paw, referring to the brand character Chester being a cheetah. The Panel noted that Rock, Paper, Scissors is a short and simple game that is played predominantly by children under 12 years old at school and with their friends. It is unlikely that an ad referring to such a childish game would appeal to an older audience. Adults may play the game, but would do so only with their children and at the behest of their children and not of their own will. Moreover, the Panel noted that the product itself is particularly popular with children under and around the age 12 years old. By incorporating the product within the game, the advertisement is targeting primarily young children and incites them to play the game with the product.

The Panel took note of the fact that PepsiCo removed the advertisements appearing on YouTube, Facebook, and Instagram, and welcomes this action of self-regulation on the part of the company. The Panel believed that the ads shown on these platforms contained enough childish elements relating to a game especially popular with under-12-year-olds that they would have judged the campaign to be appealing primarily to children under 12. The Panel expects similar measures to be taken by the company to ensure consistency across all media where the ads from this campaign may appear.

Based on the arguments and rationale outlined above and the self-regulatory actions taken by the company, the Panel judged that the case for the Greek Cheetos ad campaign is solved.

**Panel decision: case solved**