

## EU PLEDGE ACCOUNTABILITY MECHANISM

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**Case ID: 93**

**Settlement**

27 July 2023

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### **Description**

Mondelez Lu Instagram ads in Belgium.

### **Complaint**

The complainant submitted screenshots of the Instagram page, without any additional comments.

### **Advertiser's response**

Mondelez provided the following statement:

*At Mondelēz International, we do not believe in advertising directly to children under 13 years of age, regardless of a product's nutritional profile. In 2005, we were the first company to announce global policies for advertising to children and we continue with our commitment today. We believe that, in addition to our own global marketing to children policy, supporting pledges at both global and national level is just as important to create an industry-wide awareness for responsible marketing. Therefore, we are a founding member of the EU Pledge.*

*In the EU Pledge we have committed ourselves to not do any advertising where 30% or more of the total viewing audience is under the age of 13. The social media platform Instagram, where the LU Prince advertising is shown, has an age verification system in place and the platform is for users 13+ years old. Nevertheless, we take our own responsibility towards Marketing to Kids seriously and our online advertising is always geared to gatekeepers and persons +13 - adults, parents, or guardians. After internal evaluation of the complaint, we can confirm that we acted according our EU Pledge commitment.*

*We may show children under 13 in our marketing communications if relevant to the marketing message, e.g., depiction of a family situation or activity. In addition, our advertisement always shows proper serving and portion sizes, as well as mindful consumption, in photography and TV imagery. We portray active and safe lifestyle choices and always in a safe environment for underage persons with gatekeepers.*

*Nevertheless, we have taken the concerned advertising down and will take the concerns of our consumers into account for further marketing campaigns.*

### **EU Pledge commitment**

EU Pledge members commit either to:

- Only advertise products to children under the age of 13 years that meet the common EU Pledge Nutrition Criteria; or

- Not to advertise their products at all to children under the age of 13 years.

The above policy covers marketing communications for food and beverage products that are primarily directed to children under 13 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 13. Company-owned, brand equity characters are not covered by the policy.

Primarily directed to children under 13 means advertising in measured media where 35% or more of the audience is under 13 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 case was settled, as the complainant did not provide additional information and/or request to proceed with the ruling. The case will be closed and not be brought to the panel of experts for further review.