

For Immediate Release

## **CARU RECOMMENDS KELLOGG DISCONTINUE CERTAIN CLAIMS ON 'POP-TARTS' PACKAGING**

*New York, NY – May 24, 2010* –The Children’s Advertising Review Unit (CARU) of the Council of Better Business Bureaus, Inc., has recommended that Kellogg Co., discontinue product packaging that suggests Pop-Tart Toaster Pastries are made with significant amounts of real fruit. The company said the packaging at issue, which includes a “Cut & Collect” premium, has been discontinued.

Product packaging for Pop-Tarts came to the attention of CARU, the children’s advertising industry’s self-regulatory forum, through CARU’s routine monitoring of advertising directed to children. CARU reviewed packaging for Unfrosted Strawberry, Strawberry Low fat, Frosted Blueberry, Unfrosted Blueberry, Frosted Cherry, Frosted Raspberry and Frosted Wild! Berry Pop-Tarts and examined the “Kids” section of the Pop-Tarts website ([www.poptarts.com](http://www.poptarts.com)) for advertising claims.

The packages featured Kellogg’s Crazy Good Pop-Tarts characters and collectors’ cards and the language “Cut & Collect 15 in all.” The packages also featured the following instructions: “With safety scissors, and an adult’s help, cut along dotted line.”

The front of the package of each variety featured pictures of fruit and pictures of the pastry with the filling prominently displayed, along with the language “Made with Real Fruit.”

According to the nutrition facts panel on boxes of fruit-flavored Pop-Tarts, the products contain less than 6 percent fruit.

In response to CARU’s inquiry, Kellogg stated that product packaging – including front-of-package claims – is not “advertising primarily directed to children,” that is subject to CARU’s jurisdiction.

As a preliminary matter, CARU noted that the policies and procedures that govern advertising industry self-regulation explicitly define “national advertising” to include “labeling” as a covered medium.

CARU further noted that the Pop-Tarts’ packaging was advertising directed to children under 12: “The box is filled with depictions of the signature cartoon Pop-Tarts character. This is notable in the panel with the nutrition information, which contains six of those signature cartoon Pop-Tarts characters. Significantly, one entire package panel constitutes a premium to “Cut & Collect 15 in all.” Consumers are instructed to ‘With safety scissors, and an adult’s help, cut along dotted line.’ Each card features Kellogg’s Crazy Good Pop-Tarts characters and contains the advertising copy, ‘It’s what’s inside that counts,’ referring to the pastry’s filling,” the decision states.

Following its review, CARU concluded that the representations of fruit on the packages, and the language “Made with Real Fruit,” could potentially mislead children regarding the fruit content of these products. CARU recommended Kellogg discontinue the claims at issue.

Kellogg, in its advertiser’s statement, said the packaging at issue in CARU’s inquiry is no longer in circulation, although some Cut & Collect packages may still be available in some locations.

“Kellogg continues to believe that the front panel of the packaging for Kellogg's Pop-Tarts toaster pastries, which contains the ‘made with real fruit’ claim, is not advertising ... directed to children. Nonetheless, we respect the self-regulatory process and will take CARU's decision into consideration in future advertising.”

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***CARU's inquiry was conducted under NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising. Details of the initial inquiry, CARU's decision, and the advertiser's response will be included in the next NAD/CARU Case Report.***

**About Advertising Industry Self-Regulation:** The National Advertising Review Council (NARC) was formed in 1971. NARC establishes the policies and procedures for the National Advertising Division (NAD) of the Council of Better Business Bureaus, the CBBB's Children's Advertising Review Unit (CARU), the National Advertising Review Board (NARB) and the Electronic Retailing Self-Regulation Program (ERSP).

The NARC Board of Directors is composed of representatives of the American Advertising Federation, Inc. (AAF), American Association of Advertising Agencies, Inc., (AAAA), the Association of National Advertisers, Inc. (ANA), Council of Better Business Bureaus, Inc. (CBBB), Direct Marketing Association (DMA), Electronic Retailing Association (ERA) and Interactive Advertising Bureau (IAB). Its purpose is to foster truth and accuracy in national advertising through voluntary self-regulation.

NAD, CARU and ERSP are the investigative arms of the advertising industry's voluntary self-regulation program. Their casework results from competitive challenges from other advertisers, and also from self-monitoring traditional and new media. NARB, the appeals body, is a peer group from which ad-hoc panels are selected to adjudicate NAD/CARU cases that are not resolved at the NAD/CARU level. This unique, self-regulatory system is funded entirely by the business community; CARU is financed by the children's advertising industry, while NAD/NARC/NARB's primary source of funding is derived from membership fees paid to the CBBB. ERSP's funding is derived from membership in the Electronic Retailing Association. For more information about advertising industry self-regulation, please visit [www.narcpartners.org](http://www.narcpartners.org).