

AANA



**FOOD & BEVERAGES
ADVERTISING CODE**

From 1 March 2020

OBJECTIVES

This Code has been adopted by the AANA as part of advertising and marketing self-regulation. The object of this Code is to ensure that advertisers and marketers develop and maintain a high sense of social responsibility in advertising and marketing food and beverage products in Australia.

This Code is accompanied by a Practice Note which has been developed by the AANA. The Practice note provides guidance to advertisers and complainants, and must be applied by the Ad Standards in making its determinations. In the event of any ambiguity the provisions of the Code prevail.

DEFINITIONS

In this Code, unless the context otherwise requires:

Advertising or Marketing Communication means:

- a. any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,
 - over which the advertiser or marketer has a reasonable degree of control, and
 - that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,
- b. but does not include:
 - labels or packaging for products
 - corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy and the like
 - in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel or station.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for a Children's Food or Beverage Product.

AFGC means the Australian Food and Grocery Council.

Average Consumer means a regular adult family shopper able to compare products by label-listed definition.

Children means persons 14 years old or younger and **Child** means a person 14 years old or younger.

Children's Food or Beverage Product means any food or beverage product (other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code) which is targeted toward and has principal appeal to Children.

SECTION 1

DEFINITIONS... CONTINUED

Community Panel means the panel appointed by the Ad Standards from time to time, the members of which are representative of the community, to administer a public complaints system in relation to Advertising or Marketing Communications.

Food or Beverage Products means any food or beverage products other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code.

Fresh fruit or vegetables means any fruit or vegetable as defined by the Australian New Zealand Food Standards Code (Standard 1.2.7-2) that has not been processed and includes peeled, chopped or diced fresh fruit and vegetables. The definition of fresh fruit and vegetables excludes those preserved by canning, dehydration, freezing or smoking.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, television, telecommunications, or other direct to consumer media including new and emerging technologies.

Premium means anything offered free or at a reduced price and which is conditional upon the purchase of an advertised Children's Food or Beverage Product.

Prevailing Community Standards means the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time, and based on research carried out on behalf of the Ad Standards Community Panel as it sees fit, in relation to the advertising or marketing of Food or Beverage Products taking into account, at a minimum, the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health and Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.

QSRI means the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children maintained by the AFGC. When assessing the obligations contained in Section 4.2 of this code, the definitions within the QSRI will apply.

Quick Service Restaurant means quick service food outlet whose business primarily offers for sale portable and/or ready-made Food or Beverage Products, excluding supermarkets and convenience stores.

RCMI means the Responsible Children's Marketing Initiative maintained by the AFGC. When assessing the obligations contained in Section 4.1 of this code, the definitions within the RCMI will apply.

SECTION 2

ADVERTISING OR MARKETING COMMUNICATION FOR FOOD OR BEVERAGE PRODUCTS

2.1 Advertising or Marketing Communication for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.

2.2 Advertising or Marketing Communication for Food or Beverage Products shall not shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards.

2.3 Advertising or Marketing Communication for Food or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Food Standards Code.

2.4 Advertising or Marketing Communication for Food or Beverage Products which include nutritional or health related comparisons shall be represented in a non-misleading and non-deceptive manner clearly understandable by an Average Consumer.

2.5 Advertising or Marketing Communication for Food or Beverage Products shall not make reference to consumer taste or preference tests in any way that might imply statistical validity if there is none, nor otherwise use scientific terms to falsely ascribe validity to advertising claims.

2.6 Advertising or Marketing Communication for Food or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, shall be specific to the promoted product/s and accurate in all such representations.

2.7 Advertising or Marketing Communication for Food or Beverage Products appearing within segments of media devoted to general and sports news and/or current affairs, shall not use associated sporting, news or current affairs personalities, live or animated, as part of such Advertising and/or Marketing Communication without clearly distinguishing between commercial promotion and editorial or other program content.

2.8 Advertising or Marketing Communication for Food and/or Beverage Products not intended or suitable as substitutes for meals shall not portray them as such.

2.9 Advertising or Marketing Communication for Food and/or Beverage Products must comply with the AANA Code of Ethics and the AANA Code for Advertising & Marketing Communications to Children.

SECTION 3

ADVERTISING & CHILDREN

3.1 Advertising or Marketing Communication to Children shall be particularly designed and delivered in a manner to be understood by those Children, and shall not be misleading or deceptive or seek to mislead or deceive in relation to any nutritional or health claims, nor employ ambiguity or a misleading or deceptive sense of urgency, nor feature practices such as price minimisation inappropriate to the age of the intended audience.

3.2 Advertising or Marketing Communication to Children shall not improperly exploit Children's imaginations in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the Children's Food or Beverage Product/s.

3.3 Advertising or Marketing Communication to Children shall not state nor imply that possession or use of a particular Children's Food or Beverage Product will afford physical, social or psychological advantage over other Children, or that non possession of the Children's Food or Beverage Product would have the opposite effect.

3.4 Advertising or Marketing Communication to Children shall not aim to undermine the role of parents or carers in guiding diet and lifestyle choices.

3.5 Advertising or Marketing Communication to Children shall not include any appeal to Children to urge parents and/or other adults responsible for a child's welfare to buy particular Children's Food or Beverage Products for them.

3.6 Advertising or Marketing Communication to Children shall not feature ingredients or Premiums unless they are an integral element of the Children's Food or Beverage

SECTION 4

REFERENCE TO RCMI & QSRI

4.1 Except as set out in section 4.2, Advertising or Marketing Communication for Food or Beverage Products, other than fresh fruit or vegetables, must comply with Schedule 1 of the RCMI, where applicable.

4.2 Advertising or Marketing Communication for Food or Beverage Products by a Quick Service Restaurant must comply with Schedule 1 of the QSRI, where applicable.

COMPLAINTS UNDER THE AANA SELF REGULATORY SYSTEM

Complaints about the content of an advertisement or marketing communication can be made under this Code and the other AANA Codes to Ad Standards. If your complaint is about a program (not advertisement) on television or radio, please contact the relevant industry body.

You can make a complaint by:

- Lodging a complaint online at: <http://www.adstandards.com.au>
- Writing a letter (and sending via post or fax) to:
Ad Standards
PO Box 5110
BRADDON ACT 2612
Fax: (02) 6262 9833

Once Ad Standards has received your complaint, it then assesses the complaint to determine whether it is eligible for consideration by the Ad Standards Community Panel. The Community Panel is the body established to consider complaints. If accepted the advertiser/marketer is notified and a response is requested. The complaint is then considered by the Panel and the advertiser and complainant are advised of the determination. A case report is then published.

The original complainant or advertiser/marketer can also ask for a review of the determination.

CODE ADMINISTRATION

Effective Date: March 2020

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About the AANA

AANA is the Voice for Brands. Founded 90 years ago, AANA exists to inspire and promote responsible, innovative and respected marketing through a commitment to sustainable industry collaboration. As the peak industry body, our members represent some of Australia's biggest advertisers and the world's best known brands across all major sectors who contribute to an estimated advertising spend of more than \$15 billion a year including FMCG, automotive, banking, finance and insurance, travel, health and beauty, media and communications. On behalf of our members, the AANA's mandate is to maintain and evolve the advertising codes which underpin the system of self-regulation in Australia, safeguard the rights of its members to commercial free speech and protect consumers by ensuring marketing communication is conducted responsibly, while giving them the networks and pathways to career learning.