



Case Report

1	Case Number	0019/11
2	Advertiser	Coles
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	09/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.8 - Food and Beverage Code - 2.5 inaccurate taste-size-content-nutrition-health claim
- 2.8 - Food and Beverage Code - misleading nutritional/health comparisons
- 2.8 - Food and Beverage Code - unscientific nutrition claims
- 2.8 - Food and Beverage Code - untruthful/dishonest

DESCRIPTION OF THE ADVERTISEMENT

Chef Curtis Stone in a butcher's apron talking about "no added hormones" beef sold in Coles Supermarkets. We see close ups of beef in the supermarket, and posters on the walls of the supermarket promoting the same message.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The ad makes the claim "no added hormones" and it indirectly implies that meat supplied by other supermarkets or butchers could contain ""added hormones"".

It does not justify this claim and it adds a level of fear to the consumer where it didn't exist before.

Beef farmers do not routinely add hormones to their feed and cattle are primarily grain or grass fed.

I find this particular advertisement to be untruthful and misleading and designed to create a sense of fear in consumers who are seeking the "freshest" food for their families.

I object to this type of advertising for the reasons stated above.

Woolworths do not give any basis in fact for their claim and I dispute its integrity and truthfulness.

All beef in Australia is hormone and antibiotic free - this ad implies the opposite. The implication is that beef sold by other stores butchers etc have hormones added to them at the point of sale apart from what is already feed to livestock prior to slaughter for consumption.

If such is the case I would like to know what why and how it is legally allowed in a nation that has one of the greatest obesity rates in the world and unregulated additional hormone consumption by the end user may be deleterious to health whilst being done without the consumer's knowledge.

Further, if hormones are being added at the point of preparation for sale, Coles by intimation were also involved in this practice until recently.

I believe that any meat is hormone free as it is illegal to feed livestock artificial hormones. This claim is misleading as the implication is other meat contains hormones.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Coles does state in its advertisement "no added hormones" in Coles beef. This claim is true and Coles has spent considerable time and money working with its beef suppliers to ensure Coles beef does not have any added hormones.

It is not illegal in Australia for livestock to be fed or provided with artificial hormones or naturally occurring hormone additives.

All beef sold in Australia is not hormone and antibiotic free. In fact, a significant proportion of beef sold in both supermarkets and butchers in Australia does have hormones added, in particular the hormone known as Hormone Growth Promotant. For example the supermarket chains (1) Woolworths; (2) Aldi; (3) Foodland; and (4) IGA all sell beef that has had Hormone Growth Promotant added.

The claim that beef farmers do not routinely add hormones to their feed is misconstrued. The hormones that are widely used in the industry are pellets that are implanted under the skin of cattle. Please refer to the attached extract from a Meat & Livestock Australia publication for further background.

All fresh beef sold at Coles is 100% Australian beef – it is all sourced from farmers within Australia and not imported.

Coles has not increased the cost of its beef to consumers in making the move to no added hormones, and is paying its beef suppliers more to cover the higher production costs they'll face without Hormone Growth Promotants.

The Meat Livestock Association has published a document entitled "Meat Standards Australia – beef information kit" which concludes that beef that has no added hormones is graded higher for tenderness than beef that has had hormones added.

In response to a request for further information Coles responded as follows: 'Please find responses to your three points below to assist in finalisation of your case note:

1. The beef that they sell which is branded 'coles beef' has no added hormones.

All fresh beef branded "Coles beef" sold in the meat department at Coles anywhere in Australia has no added hormones.

2. Other beef sold in store that is not branded 'coles beef' may or may not have added hormones

Coles sells a number of non-Coles branded fresh beef products in its meat department such as King Island Beef and Kosher Beef. While these products have not been featured as part of this campaign, they are also no added hormone products. Outside the meat department Coles does sell products such as canned food which may contain beef that is not no added hormones.

*3. All beef sold by Coles ('Coles beef' and other brand beef) is 100% Australian
Coles only sells 100% Australian fresh beef, including both Coles branded and non-Coles branded products. Outside the meat department Coles does sell products such as tinned food which may contain beef that is not 100% Australian.*

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code") or the AANA Food and Beverages Advertising and Marketing Communications Code.

The Board noted the complainant's concerns that the advertisement is misleading in stating that Coles' beef does not contain added hormones, and that it implies other supermarkets' beef does contain added hormones.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.1 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications 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."

The Board considered that the message of the advertisement was that Coles Beef does not contain any added hormones. The Board noted the advertiser's response that all beef sold in Australia is not hormone and antibiotic free and that Coles is paying its beef suppliers more to cover the higher production costs they'll face without Hormone Growth Promotants. Based on the advertiser's advice that the beef they now sell does not contain added hormones, the Board considered that the message that a consumer would take from the advertisement was not misleading.

The Board noted the complainants' concerns that the advertisement suggests that beef bought anywhere else will contain added hormones. The Board noted that at the beginning of the

advertisement, Curtis Stone states that this is “a supermarket first for all Australians.” The Board considered that Coles have been careful to stay within the confines of what they can say, and that whilst some members of the community could interpret this statement to mean it is a supermarket first to sell hormone free beef, it could also be interpreted as a supermarket first for Coles to sell hormone free beef.

Based on the above, the Board determined that the advertisement did not breach section 2.1 of the Food and Beverages Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.5 of the Code states: “Advertising or Marketing Communications 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.”

The Board noted that Coles’ beef is described as “more tender than ever” now that it does not have any added hormones. The Board noted the advertiser’s response that they have spent considerable time and money working with their beef suppliers to ensure Coles beef does not have any added hormones, and that the Meat Livestock Association has published a document entitled “Meat Standards Australia – beef information kit” which concludes that beef that has no added hormones is graded higher for tenderness than beef that has had hormones added.

Based on the above, the Board determined that the advertisement did not breach section 2.5 of the Food and Beverages Code.

Finding that the advertisement did not breach the Code or the Food and Beverages Code on any other grounds, the Board dismissed the complaint.