



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0023/14
2	Advertiser	Coles
3	Product	Food and Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	12/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

DESCRIPTION OF THE ADVERTISEMENT

Print advertisement which was placed in a selection of major metropolitan and regional newspaper titles, including the Herald Sun, for one day on Friday 3 January 2014 (or Saturday 4 January 2014 if no Friday edition was available). The print advertisement was run in the form of a - 'front and back cover wrap' or a full page advertisement within the publication, each with similar (though not identical) content. The advertisements refer to the fact that all Coles-brand chicken is now RSPCA-approved, and because it's raised better it tastes better. The complaint refers to the Herald Sun newspaper, which carried the front and back cover wrap.

THE COMPLAINT

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

This is deceptive advertising. It is a false credence claim "Raised better. Tastes Better."

THE ADVERTISER'S RESPONSE

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

Each of the complaints raise a concern in respect of the 'Raised Better, Tastes Better' or 'Now raised better, now tastes better' aspect of the advertisements. The complaints identify

section 2.1(a) of the AANA Food & Beverages Advertising and Marketing Communications Code, which relevantly requires food advertising to be truthful and honest, and not misleading or deceptive or otherwise contravene prevailing community standards. Coles has been selling RSPCA Approved chicken breasts, wings, drumsticks, thigh fillets and whole chickens since 2011. The pre-packed range initially went on sale in Victorian stores only, and was sold as an additional option to Coles brand conventionally reared chicken. It was introduced to other states as the products became more popular with customers. Following this transition, since 3 January 2014, all Coles brand fresh chicken, including loose portions from the deli and bbq chickens, is now RSPCA-Approved. Coles RSPCA Approved chickens are raised in barns, farmed to the RSPCA Approved Farming Scheme Standards which allow birds to more freely exhibit natural behaviours such as perching, scratching and foraging – hence they are now ‘raised better’ than was previously the case for conventionally raised Coles-brand chicken. RSPCA assessors visit the farms at least four times in the first 12 months and twice a year in following years to ensure the RSPCA’s higher welfare standards are maintained. Farmers/suppliers who supply chicken to Coles are now required to meet these higher welfare standards – these requirements were phased in across Coles suppliers over a 2 year transition period. A table showing how RSPCA-approved chicken is raised better than conventionally reared chicken is available on Coles’ website at <http://www.coles.com.au/helping-australia-grow/responsible-sourcing-and-sustainability/rspca-approved>) Under the RSPCA Approved Farming Scheme Standard the chickens are more active. The change in muscle fibres through increased activity improves the eating quality, and during independent testing, RSPCA Approved chicken was preferred. Taste testing was conducted by Colmar Brunton in November 2013. In a blind taste test of 428 consumers conducted in Sydney and Melbourne, the majority indicated that they preferred the Coles brand RSPCA-approved chicken over the alternative conventionally raised chicken, supporting the claim that the RSPCA-Approved chicken tastes better. A copy of the Colmar Brunton test results is available. The Colmar Brunton research is consistent with an earlier taste test conducted by Today Tonight and reported in 2011. In this test, an ‘expert’ judging panel taste-tested 10 different chickens and Coles RSPCA-approved chicken topped the list. The panel comprised a food buyer, a meat wholesaler, a food editor, a chef, a meat/poultry retailer and a chef/hospitality lecturer. An article summarising the Today Tonight test is available through the following link http://au.news.yahoo.com/today-tonight/consumer/article/-/10176595/TT_Chicken_in_the_spotlight_-_02092011_files/.

Additional information

One complainant has referred in his complaint to the TV advertisement claiming that chickens, being RSPCA-Approved ‘with reference to free range’ has no reference to the quality of the chicken flesh to be ‘tastier than caged chickens’. To clarify, RSPCA-Approved chicken is not free-range, nor is there any claim to that effect in the advertisements.

Moreover, conventionally raised meat chicken is not ‘caged’ chicken.

Coles-brand chicken (whether conventionally raised in the past, or now under the RSPCA-Approved standards) is and has been raised in barns.

Coles is satisfied that the advertisements in question do not breach the AANA Advertiser Code of Ethics, nor the Food and Beverages Advertising & Marketing Communications Code.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches

the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainant's concerns that the advertisement is misleading in its suggestion that their RSPCA approved chicken is raised better and tastes better.

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

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered section 2.1 of the Food Code which provides: 'Advertising or marketing communications for food ...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 noted the advertiser's response that all Coles chicken now meets RSPCA standards and therefore the claim that their chickens are raised better than they were previously is correct as the conditions for the chickens have improved.

The Board noted the claim about the chicken tasting better. The Board noted that it had previously dismissed a similar claim made by Coles in a TV advertisement in relation to beef in case 0019/11:

"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."

The Board noted that in this instance that the wording of the claim made in the print advertisement regarding the chicken tasting better is ambiguous as it is not clear what the RSPCA chicken is being compared to. The Board noted that the advertiser's response included the findings of taste testing research by an independent company which indicated that the majority of consumers who took part in the research "preferred the Coles brand RSPCA-approved chicken over the alternative conventionally raised chicken...for its cutting texture, mouthfeel and juiciness". The Board noted that the advertisement and the associated research make no reference to organic or free range chicken or how the RSPCA-approved Coles' chicken would compare.

The Board considered that overall the most likely interpretation of the advertisement is that Coles' RSCPA-approved chicken is raised better and tastes better than the chicken they previously stocked and in the Board's view these claims are not deceptive or misleading as this is a matter of personal preference.

Based on the above the Board considered that the advertisement was not misleading and did not contravene prevailing community standards on healthy eating.

The Board determined that the advertisement did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaints.