



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0033-22
2. Advertiser :	Naked Harvest Supplements
3. Product :	Health Products
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	23-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive
AANA Food and Beverages Code\2.3 Unsupported nutritional/health claims

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement dated December 8, 2021 features the caption: "Hey gang, Georgie here [waving emoji] I wanted to introduce Mylk Shake [milk bottle emoji] Naked Harvest's FIRST EVER supplement designed to provide new mums with the ultimate postpartum breastfeeding support [heart emoji] When I found out that I was pregnant with our beautiful baby girl, I became [stars emoji] obsessed [stars emoji] with researching the best natural products to take that would nourish both baby girl and I [rainbow emoji] After speaking with family members and friends, I began to notice the difficulty that came with producing enough milk for bubs, but also the struggles that came with finding natural supplements to support breastfeeding [baby emoji]

Mylk Shake was a must for us to create, and I'm so glad it's finally here! Formulated with essential vitamins, protein, fibre, superfoods, and unique herbs, our vegan lactation powder is equipped with the perfect nutritional support to naturally boost your breast milk supply, nourish your baby and top up essential nutrients lost during the birth/breastfeeding stage [baby emoji]

Our range is available in Vanilla Malt & Chocolate and is vegan, dairy-free, gluten-free & refined sugar-free [yellow heart emoji] just mix with water/milk or blend into your favourite smoothies and you've got the perfect MYLK shake to help boost your breast milk supply [flower emoji] Tag a mumma who needs this!



Available now at <http://www.nakedharvestsupplements.com> [yellow heart emoji]
shop via @nakedharvestsupplements

The post includes three images. Image 1 depicts a woman breastfeeding with product packaging in the foreground. Image 2 depicts a baby with product packaging in the background. Image 3 depicts the product packaging.

THE COMPLAINT

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

Misleading information targeting vulnerable customers.

Georgie Stevenson is the co-founder of Naked Harvest Supplements. On various occasions she has made misleading claims regarding a supplement she created called Mylk Shake where she states this WILL increase your breast milk supply. She is unable to provide any evidence of this to her customers.

THE ADVERTISER'S RESPONSE

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

In the complaint issued by Ad Standards, the subject of the complaint states that our co-founder Georgie makes claims that our supplement WILL increase breastmilk supply, and that we provide no evidence to support this claim.

We would like to state that Naked Harvest or Georgie do not claim that Mylk Shake will increase breastmilk supply. In this social media copy, you can see that Georgie says Mylk Shake is formulated "to help boost breast milk supply" and "support breastfeeding". Additionally, Naked Harvest provides ample product information on our social media page and website

(<https://www.nakedharvestsupplements.com/collections/wellness/products/chocolat-e-lactation-400g>) including a breakdown of the product's ingredients and their relation to breastfeeding.

In saying this, Georgie will move forward with even more precaution in regards to the way she advertises Mylk Shake and will issue a disclosure stating that Mylk Shake isn't guaranteed to increase milk supply, but should be used as a postpartum support supplement.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Code).



The Panel noted the complainant's concern that the advertisement makes a claim that the product will boost breast milk supply which is not supported.

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

The Panel noted that the product advertised is food and that therefore the provisions of the Food Code apply.

Section 2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

The Panel Noted the Practice Note to this section of the Food Code which includes:

"In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement."

The Panel noted that the target audience for this advertisement would be people looking for information on breastfeeding supplements.

In particular, the Panel noted the phrase in the caption, "Formulated with essential vitamins, protein, fibre, superfoods, and unique herbs, our vegan lactation powder is equipped with the perfect nutritional support to naturally boost your breast milk supply, nourish your baby and top up essential nutrients lost during the birth/breastfeeding stage".

The Panel noted that this was a statement that members of the target audience would understand to mean that consuming the product would naturally boost breast milk supply.

However, the Panel noted that most breastfeeding parents would understand that a great many foods and drinks consumed (ie eating and drinking well) while breastfeeding are likely to boost the supply of breastmilk, and that this supplement was differentiating itself by stating that it was made up of natural ingredients.

The Panel considered that the advertiser had provided enough supporting evidence to show that the product was made of natural ingredients.

The Panel considered that the claim that this was a natural way to boost breast milk supply would not mislead or deceive an average consumer in the target audience.



Overall the Panel considered that the advertisement was not designed to be misleading or deceptive and was communicated in a manner appropriate to the understanding of the target audience.

Section 2.1 Conclusion

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

2.3 Advertising for Food or Beverage Products that include what an Average Consumer might interpret as a Health Claim or Nutrition Content Claim must be supportable by appropriate scientific evidence meeting the requirements of the Australian Food Standards Code.

The Food Code provides the following definitions:

- **Average Consumer** means a regular adult shopper
- **Health Claim** has the same meaning as defined in the Australian Food Standards Code.
- **Nutrition Content Claim** has the same meaning as defined in the Australian Food Standards Code.

The Australian Food Standards Code provides the following definitions:

- **Health claim** means a claim which states, suggests or implies that a food or a property of food has, or may have, a health effect.
- **Health effect** means an effect on the human body, including an effect on one or more of the following:
 - (a) a biochemical process or outcome;
 - (b) a physiological process or outcome;
 - (c) a functional process or outcome;
 - (d) growth and development;
 - (e) physical performance;
 - (f) mental performance;
 - (g) a disease, disorder or condition.
- **Nutrition content claim** means a claim that:
 - (a) is about:
 - (i) the presence or absence of any of the following:
 - (A) *biologically active substance;
 - (B) *dietary fibre;
 - (C) energy;
 - (D) minerals;
 - (E) potassium;
 - (F) protein;
 - (G) *carbohydrate;



- (H) 'fat',
 - (I) the components of any one of protein, carbohydrate or fat',
 - (J) *salt;
 - (K) sodium;
 - (L) vitamins; or
- (ii) *glycaemic index or glycaemic load; and
- (b) does not refer to the presence or absence of alcohol; and
- (c) is not a *health claim.

In particular, the Panel noted the phrase in the caption, “Formulated with essential vitamins, protein, fibre, superfoods, and unique herbs, our vegan lactation powder is equipped with the perfect nutritional support to naturally boost your breast milk supply, nourish your baby and top up essential nutrients lost during the birth/breastfeeding stage”.

The Panel considered that this could reasonably be considered as containing nutrition claims referring to the product’s ingredients and a health claim that the product would have the effect of boosting breast milk supply.

As discussed in Section 2.1, the Panel noted that the advertiser had provided reasonable evidence that the ingredients in the product were natural and contained the listed nutritional content.

The Panel also noted that the health claim of the product naturally boosting breast milk supply was not a claim that the product would boost breast milk supply more than consuming any other food or beverage, rather that this was a natural product that could be consumed with the same effect.

The Panel noted that the health and nutrition claims were supported by appropriate evidence and met the requirements of the Food Standard Code.

Section 2.3 Conclusion

The Panel determined that the advertisement did not breach Section 2.3 of the Food Code.

Conclusion

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaint.