



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0086/19
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	03/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the voiceover "What goes in to Lipton Ice Tea? Sun soaked tea leaves and sun ripened peaches. For a deliciously uplifting taste to brighten up your day. Lipton Ice Tea, sunshine in every bottle." The voiceover is accompanied by images of tea leaves, a peach dropping from a tree, the drink being pulled from ice and condensation, a woman drinking from the bottle, and finally a group of friends listing one woman as another takes a photo.

THE COMPLAINT

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

trying to sound natural..... The actual ingredients are far more sinister and unnatural than that: Water, sugar, tea extract (4.5%), peach juice, flavours(contain WHEAT derivative), food acids (330,331, 296),antioxidant (300), natural sweetener (960). Complete deception.



THE ADVERTISER'S RESPONSE

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

I refer to your letter dated 19 March 2019.

1. The Complaint

Ad Standards has received the following consumer complaint (Complaint) regarding a television commercial promoting Lipton Peach Flavoured Ice Tea (Product):

AD DESCRIPTION: Lipton Iced Tea claims the ingredients in their beverage are tea leaves and peaches?

REASON FOR CONCERN: trying to sound natural..... The actual ingredients are far more sinister and unnatural than that: Water, sugar, tea extract (4.5%), peach juice, flavours (contain WHEAT derivative), food acids (330,331, 296), antioxidant (300), natural sweetener (960). Complete deception.

The Complaint alleges Unilever has contravened Section 2.1 of the AANA's Food and Beverage Advertising and Marketing Communications Code (Code).

Our response follows.

2. The Television Commercial

A copy of the television commercial is attached.

Commercials Advice (CAD) reviewed, approved and classified the television commercial as "G" (Key Number PLISUN1515182; CAD Number G6KGGNAE).

No concern was raised about the depiction of the Product's characterising ingredients (i.e. tea leaves and peach juice). No substantiation was requested for the "naturalness" of the Product or any of its component ingredients.

3. The Code

Section 2.1

Unilever disagrees that depicting and describing the Product's characterising ingredients in the television commercial contravenes the Code.

The Product's characterising ingredients are tea leaves and peach juice. These



ingredients together differentiate the Product from other ready-to-drink beverages on the market, as well as differentiating it from the wide range of other ice teas and flavoured waters sold under the same Lipton branding.

The television commercial depicts and describes the characterising ingredients in a similar manner to the way they are described and depicted on the Product packaging. The Product packaging explicitly identifies the drink as a “Peach Flavoured Ice Tea Drink” (noting the two characterising ingredients are called out in this product name). The characterising ingredients are also depicted on the Product packaging. The television commercial simply identifies and describes those characterising ingredients in a similar manner.

While our tea leaves and peach juice are sourced from nature, the word “natural” is not used in the television commercial and the commercial itself does not represent the Product is made wholly, or partly, of “natural” ingredients. Additionally, imagery of fields of tea leaves and the peach dropping from a fruit tree are intended only to depict the source of those characterising ingredients in a visually appealing and interesting manner. This does not in any way represent the Product is “natural”. ”

Similarly, the television commercial does not represent the Product exclusively contains tea leaves and peach juice. The Product recipe, being a commercial recipe for a Peach Flavoured Ice Tea Drink, consists of the following ingredients:

Water, sugar, tea extract (4.5%), peach juice, flavours (contain wheat derivative), food acids (330,331,296), antioxidant (300), natural sweetener (960-stevia leaf extract).

“Traditional” ice tea recipes that can be made at home commonly contain water, sugar, tea, and flavours (e.g. juices and/or herbs and/or fruit).

The Product contains those ingredients and, despite only the tea leaves and peach being depicted in the television commercial, no ordinary and reasonable consumer would infer from the television commercial that the Product consisted entirely of the two characterising ingredients, to the exclusion of water, sugar and flavouring.

In addition, the Product is a commercially manufactured ice tea. Ingredients such as food acids and antioxidants are commonly used for food safety and quality preservation. The ordinary and reasonable consumer is aware that these food safety and quality preservation additives are regularly used in commercially manufactured foods and beverages.

Furthermore, the Product contains a natural sweetener known as stevia leaf extract. The extract is used to reduce the amount of sugar in the Product, while maintaining the sweetness that is enjoyed by many consumers. Not depicting the extract in the television commercial would not mislead or deceive consumers.



Finally, we respectfully reply to the consumer's concern regarding the safety of food acids and antioxidants. The food acids and antioxidant used across our range of Lipton branded beverages are edible, safe for consumption, and commonly found in fresh fruits. Citric acid naturally occurs in citrus fruits and sodium citrate is the salt of citric acid. Malic acid is naturally occurring in many fruits (such as apples, blueberries and peaches), giving them a characteristic sour flavour. Ascorbic acid, also commonly known as vitamin C, is another ingredient commonly found in fruit. Due to their natural prevalence and benign nature, these ingredients have been approved by food authorities and commonly used throughout the food manufacturing industry both in beverages and packaged food and have long history of safe usage.

Unilever respectfully submits the television commercial is neither untruthful or dishonest, nor misleading or deceptive, in contravention of section 2.1 of the Code.

Other Sections

Unilever respectfully submits that the television commercial does not contravene any other section of the Code, or the AANA's Code of Ethics, in any way.

4. Conclusion

Unilever submits the television commercial complies with the Codes.

Please contact me should you require any further information.

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 Food Code).

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

The Panel noted that the product advertised is a packaged beverage product and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Panel considered section 2.1 of the Food Code which provides:

"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 Panel noted that this television advertisement is for a peach flavoured iced tea beverage, and the advertisement features scenes showing a peach dropping from a tree, imagery of tea leaves and scenes of the product. The Panel noted part of the voiceover states "What goes in to Lipton Ice Tea? Sun soaked tea leaves and sun ripened peaches”.

The Panel noted the complainant’s concern that the advertisement implied that the only ingredients of the beverage are tea leaves and peaches, and implies therefore that the beverage is a natural product - which is misleading to consumers. The Panel also considered that this amounted to a concern that the advertisement implies that the only ingredients are tea and peaches.

The Panel noted that the advertisement commences with the statement “what goes in to Lipton iced tea”? and then only mentions tea and peaches. The Panel noted that the advertisement does not state that peaches and tea leaves are the only ingredients in the beverage product. The Panel considered that the advertisement depicts the characterising flavours of the product, being peaches and tea leaves, and considered that most consumers would understand that advertisements usually emphasise key ingredients or flavours and do not mention every other ingredient of a product. The Panel considered that most consumers would understand that peaches and tea leaves are not the only ingredients used in the making of this product. The Panel considered that this advertisement is not likely to be misleading or deceptive to consumers about its ingredients.

With regards to the complainant’s concern that the product is misleadingly presented as ‘natural’, the Panel noted the advertiser’s response that the word “natural” is not used in the advertisement. The Panel noted that the advertisement depicts the tea and peaches in their natural and unprocessed state. The Panel noted that the advertisements then states ‘Sun soaked tea leaves and sun ripened peaches. For a deliciously uplifting taste to brighten up your day. Lipton Iced Tea, sunshine in every bottle.” The Panel considered that the advertisement is exaggerated in relation to the statement of there being sunshine in every bottle and also in relation to the depiction and description of the two characterising flavours.

The Panel considered that the advertisement does state that two of the ingredients are peaches and tea leaves, and that these may be considered by many consumers to be healthy ingredients. However the Panel considered that there is no other language or imagery which suggests that the product is only made from natural ingredients or is overall a natural product. The Panel considered that advertisers should take care not to suggest that high sugar products such as the advertised product are healthy or natural, however considered that in this particular advertisement the advertisement is not misleading to consumers.



The Panel considered that the advertisement did not contain any statements about the nutritional value of the product or state that the ingredients depicted in the advertisement were the only ingredients in the product. The Panel considered that the advertisement was not misleading or deceptive and did not otherwise imply any health benefits of the product.

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

Finding that the advertisement did not breach the Food Code on other grounds, the Panel dismissed the complaint.

