



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0093/18
2	Advertiser	Sanitarium Health Food Company
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive
Food and Beverage Code 2.3 - unsupported nutritional/health claims
Food and Beverage Code 2.4 misleading nutritional/health claims

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man placing the Weet-Bix Cholesterol Lowering product in to a green bowl. Milk is then poured over the product in the bowl. The ad concludes with a return to an image of the Weet-Bix Cholesterol Lowering packet.

THE COMPLAINT

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

The Weet-bix Cholesterol Lowering is a product that will only make our population sicker.

Oct 17 the FDA brought out this regarding Soy

<http://amp.timeinc.net/time/5002476/soy-protein-heart-health-fda/?source=dam>

Study was fully paid for by Sanitarium and was only a four week study

<https://www.sanitarium.com.au/features/weetbix-cholesterol->





*hcp#hearthevidence by a scientist who has processed food industry links
Please also see the current information regarding cholesterol (which is protective)
<https://lowcarbdownunder.com.au/faq/will-lchf-raise-my-cholesterol/>*

THE ADVERTISER'S RESPONSE

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

Sanitarium does not believe the advertisement, the subject of the above complaint, breaches the Food and Beverage Code or the Ethics Code for the reasons noted below.

1. Soy

The plant sterol ingredient in Weet-Bix Cholesterol Lowering is made from refined vegetable oils, including soy. It does not contain soy protein which is the subject of the concern in the link provided by the complainant.

Furthermore, soy foods are generally seen as nutritious inclusions in the diet. For example, the Australian Dietary Guidelines recommend consuming plenty of vegetables, including legumes (an example of which is soy) and the Australian Guide to Healthy Eating includes tofu as an example of a recommended food in the protein food group.

<https://www.eatforhealth.gov.au/food-essentials/five-food-groups/vegetables-and-legumes-beans>

2. Sanitarium funded study

To be sure that Weet-Bix Cholesterol Lowering is effective in line with all the science around plant sterols, Sanitarium ran a trial with Professor Peter Clifton, Professor of Nutrition at the University of South Australia. The trial was carried out under strict scientific conditions and was a double blind randomized, placebo controlled, crossover study with no washout period. Results were not significantly different from the LDL cholesterol lowering efficacy of the most up-to-date analysis of all available clinical studies of products delivering 2-2.5g/d (average 2.1g/d) of plant sterols[^]. Plant sterols are well supported by the science and this trial showed that LDL cholesterol was effectively reduced by up to 9% within the study duration of 4 weeks.

*[^]Ras, R.T., J.M. Geleijnse, and E.A. Trautwein, LDL-cholesterol-lowering effect of plant sterols and stanols across different dose ranges: a meta-analysis of randomised controlled studies. *Br J Nutr*, 2014. 112(2): p. 214-9.*

3. Isn't cholesterol protective?

Cholesterol is important and required by the body for many biological processes. However, if there is too much cholesterol in the blood, it can build up in the walls of



the arteries causing narrowing of blood vessels, which may then become a problem for heart health. Our product only targets those with elevated cholesterol.

Studies have shown, convincingly, that there is a very strong association between cholesterol levels and a healthy heart, along with other lifestyle elements such as overall diet, high blood pressure, weight and activity levels.

Elevated cholesterol is recognised by leading health authorities in Australia and overseas as an important contributor to heart health, and so lowering cholesterol is a well-established and endorsed strategy for heart health:

The Heart Foundation

https://www.heartfoundation.org.au/images/uploads/main/Heart_Foundation_Position_Statement_-_Phytosterolstanol_enriched_foods_2017.pdf

The recent American Heart Association Presidential Advisory on Dietary Fats and Cardiovascular Disease

<http://circ.ahajournals.org/content/early/2017/06/15/CIR.0000000000000510>

National Vascular Disease Prevention Alliance (an initiative of Diabetes Australia, Kidney Health Australia, Heart Foundation and Stroke Foundation) - Guidelines for CVD risk management, Australia 2012.

<https://heartfoundation.org.au/images/uploads/publications/Absolute-CVD-Risk-Full-Guidelines.pdf>

National Expert Panel on Detection, Evaluation, and Treatment of High Blood Cholesterol, United States 2002. <http://circ.ahajournals.org/content/106/25/3143>

European Society of Cardiology (ESC) and European Atherosclerosis Society (EAS), 2016: <https://academic.oup.com/eurheartj/article/37/39/2999/2414995/2016-ESC-EAS-Guidelines-for-the-Management-of>

In addition, we submit the substantiation for the claims made within the advertising:

1. Reduces cholesterol by up to 9%

Weet-Bix Cholesterol Lowering contains plant sterols. 'Research shows, based on 40 clinical studies, that consuming 2g of plant sterols daily can lower LDL cholesterol by up to 9%'.

Based on all available clinical studies (40 studies ranging from 3 weeks to 6 months in duration), products delivering 2-2.5g/d of plant sterols (average 2.1g/d) have been demonstrated to significantly lower LDL cholesterol (Ras, 2014). The upper limit of the 95% confidence interval is 9% – the upper limit of the 95%CI provides an estimate for



the upper limit of the true population effect for LDL cholesterol lowering (Ras, 2014).

Ras RT, Gleijnse, JM, Trautwein EA. LDL-cholesterol-lowering effect on plant sterols and stanols across different dose ranges: a meta-analysis of randomized controlled studies. Brit J Nutr 2014;112:213-219. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4071994/>

2. Cholesterol lowering

Weet-Bix Cholesterol Lowering contains plant sterols. FSANZ allow a high level health claim for plant sterols. The approved claim is “reduces blood cholesterol” (or words of similar import).

<https://www.legislation.gov.au/Details/F2017C00317>

3. Clinically proven

“Clinically proven to actively lower LDL cholesterol by up to 9% within 4 weeks’.
In addition to the scientific literature and total body of evidence demonstrating an effect of up to 9% cholesterol reduction with 2g of plant sterols, Sanitarium conducted our own Weet-Bix Cholesterol Lowering clinical study:

A randomised clinical study on ‘Weet-Bix Cholesterol Lowering’, conducted by the University of South Australia with lead researcher Professor Peter Clifton, concluded that 2g of plant sterols from 2 Weet-Bix per day significantly lowers LDL cholesterol. The upper limit of the 95% confidence interval, which provides an estimate for the upper limit of the true population effect was 9%.

4. Weet-Bix provides 2 grams of plant sterols which are clinically proven to lower cholesterol by up to 9% in 4 weeks

As shown in the nutrition information panel, Weet-Bix Cholesterol Lowering provides 2 grams of plant sterols per serve. As demonstrated in previous points, plant sterols lower cholesterol (FSANZ approved claim), with the scientific literature and our own clinical trial supporting the ‘up to 9%’ reduction ‘within 4 weeks’.

NUTRITION INFORMATION (Average)

Serving Size: 36g (2 Biscuits) Servings Per Pack: 12

PER SERVE PER 100g

Energy (kJ) 529 1470

(Cal) 127 351

Protein (g) 3.8 10.5

Fat, Total (g) 1.7 4.8

- Saturated Fat (g) 0.3 0.7

- Trans Fat (g) 0.0 0.0

- Polyunsaturated Fat (g) 1.1 3.1

- Monounsaturated Fat (g) 0.4 1.0



Plant Sterols (g) 2.0 5.6
Carbohydrate (g) 21.9 60.7
- Sugars (g) 1.0 2.7
Dietary Fibre (g) 3.5 9.7
Sodium (mg) 91 254
Potassium (mg) 124 344
Thiamin (Vitamin B1) (mg)** 0.55 (50%)* 1.53
Riboflavin (Vitamin B2) (mg) 0.43 (25%)* 1.19
Niacin (Vitamin B3) (mg) 2.5 (25%)* 6.9
Folate (μ g) 80 (40%)* 222
Iron (mg) 3.0 (25%)* 8.3
Magnesium (mg) 34 (11%)* 95

We believe that there is nothing about the advertisement that breaches section 2 of the Ethics Code, specifically:

- 1. Section 2.1 (Discrimination or vilification): The advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*
- 2. Section 2.2 (Exploitative and degrading): The advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- 3. Section 2.3 (Violence): The advertisement does not present or portray violence.*
- 4. Section 2.4 (Sex, sexuality and nudity): The advertisement does not portray sex, sexuality and nudity.*
- 5. Section 2.5 (Language): The advertisement does not use strong or obscene language.*
- 6. Section 2.6 (Health and Safety): We believe the advertisement does not depict material contrary to the Prevailing Community Standards on health and safety.*
- 7. Section 2.7 (Advertising/Marketing Communication in program): Sanitarium Weet-Bix Cholesterol Lowering was a product featured, amongst others from other companies, within a program segment run by the TODAY Show on Monday 16th Oct with spokesperson Dr Joanna McMillan. This was at the initiation of Healthy Food Guide publication, promoting their 2017 Healthy Food Awards Winners. This was in program content and not organised or paid for by Sanitarium. We believe that this is not an example of a breach of this area of the Code.*

We further note that this advertising received a CAD rating of "W" and as such the advertising would not be positioned in, or adjacent to children's programming. Our instruction for media buying is to target people 40+. TV buying spot list included for reference.

We submit that the advertisement in question does not breach the Food and Beverage Code 2.1 (a), Code 2.3 and Code 2.4.



**Percentage of Recommended Dietary Intake (RDI)*

THE DETERMINATION

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

The Panel noted the complainants’ concerns that the advertisement is promoting a product that will only make the population sicker, and that the complaint includes references to a number of articles.

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 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 ...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 also considered Section 2.3 of the Food Code which provides:

'Advertising or Marketing Communications 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.'

The Panel noted that the advertisement depicts someone preparing a bowl of Weet-Bix cholesterol lowering product and a voice over describing the benefits of the product. Specifically the Board noted that the advertisement states:

- 'Want to lower cholesterol by up to 9%?'
- '2 of these weetbix per day contain 2gm of plant sterols which are clinically proven to lower cholesterol by up to 9% in 4 weeks – take two per day.'

The advertisement also contains a superscript stating '2 grams of plant sterols daily lowers cholesterol within 4 weeks as part of a healthy diet low in saturated fat' and has an image of the package of weetbix which states on the pack: 'cholesterol



lowering', 'reduces cholesterol by up to 9% clinically proven', '2 weet bix provides 2 g plant sterols' and an image of the Heart Foundation logo.

The Panel noted the issues raised in the complaint which refer to FDA (Food and Drug Administration of the USA) consultation with regards to removing an existing health claim that soy protein can reduce the risk of coronary heart disease and also references an article discussing the impact of a low carb high fat diet on cholesterol levels.

The Panel considered that these issues raised by the complainant did not relate to the scientific justification or otherwise of the health benefit of plant sterols.

The Panel noted that the use of the statements, and therefore their truthfulness, has been considered by the Australia New Zealand Food Authority. The Panel noted the Australia New Zealand Food Standards Code states that a 'diet which contains 2g of phytosterols, phytosterols and their esters per day' and is able to make the claim 'reduces blood cholesterol' (<https://www.legislation.gov.au/Details/F2017C00711>). The Panel noted that the Australia New Zealand Food Standards Code (ANZFSC) permits a reference to a reduction in blood cholesterol in the context of a reference to a diet which contains 2g of phytosterols, phytosterols and their esters per day'. The Panel noted that the specific reference in the advertisement does not mention 'blood cholesterol' but noted that Standard 1.2.7-10 of the ANZFSC does not prescribe the words that must be used when making a claim and that a reference to cholesterol rather than blood cholesterol is not misleading.

The Panel considered that the statements in the advertisement relating to the reduction of cholesterol were consistent with the permission in the ANZFSC and were not misleading.

The Panel also considered that the advertisement described the health benefit of the two Weet-bix per day in a manner that was appropriate to the level of understanding of a consumer with an interest in a cholesterol lowering product.

The Panel then considered the complainant's concern regarding the reference to the clinical study conducted by Sanitarium.

The Panel considered section 2.6 of the Food Code which requires 'advertising or marketing communications for food or beverage products including claims relating to material characteristics such as ...health benefits, shall be specific to the promoted product/s and accurate in all such representations.'

The Panel noted the advertiser's reply that 'all available clinical studies' (not just the study conducted by Sanitarium) had findings which supported the claim in the advertisement regarding a 9% reduction in cholesterol. The Panel also considered that



this claim in the advertisement was specific to the promoted product.

In the Panel's view the advertisement did not breach section 2.6 of the Food Code, was not misleading and did not breach Section 2.1 or 2.3 of the Food Code.

Finding that the advertisement did not breach the Food Code or any other grounds the Panel dismissed the complaint.