



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0104-21
2. Advertiser :	Meat Mama
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Internet
5. Date of Determination	28-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

This website advertisement states "100% Grass-Fed/Organic", and the accompanying google search result states "100% Grass-Fed / Organic / Free-range Meat Delivery".

THE COMPLAINT

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

The inference of the site in search results is that the meat is organic. It's not certified organic. They gave some reason for saying they could use organic because meat is organic. They refuse to substantiate their claim of free range or grass fed.

THE ADVERTISER'S RESPONSE

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

We note that it has never been our intention to mislead customers, and we have always been transparent within all customer communications regarding the distinction between "organic" and "certified organic" meats (including with the complainant).



Please note that post-submission of this complaint, we have revised our website to include the “is your meat certified organic?” item within our FAQ page, highlighting the distinction between “organic” and “certified organic” meat.

We note that organic certification is not a mandatory requirement for Australian domestic meat supply.

With reference to the Australian Standard for Organic and Biodynamic Products, AS 6000-2015 (Australian Standard), we use the term “organic” with reference to our suppliers’ adherence to:

- Free-range practices & natural diets;*
- Humane treatment of livestock with concern for their environment and well-being;*
- and*
- Limited use of pesticides, hormones, and other chemicals.*

Please refer to attached supporting documentation.

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 noted the complainant’s concern that the advertisement:

- is misleading by suggesting that the products are organic when they are not certified as such.
- does not substantiate the claim that the products are sourced from free-range or grass-fed animals.

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

Food Code 2.1 Advertising or Marketing Communication 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 the Practice Note to this section of the Code which states:

“The Panel will not attempt to apply legal tests in its determination of whether advertisements are truthful and honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.



“In testing the requirement that an advertising or marketing communication should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Panel will consider the advertiser’s stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

“In testing the requirement that an advertising or marketing communication should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Community Panel will consider the advertiser’s stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

“Thus, an advertising or marketing communication may make reference to one or more of the nutritional values or health benefits of a product but such references must be accurate and appropriate to the level of understanding of the target audience, and must not misleadingly represent the overall nutritional or health benefits of the product.”

Organic

The Panel noted the complainant’s concern that the advertisement is misleading by suggesting that the products are organic when they are not certified as such.

The Panel noted the information provided by the advertiser, and noted that the advertisement does not make the claim that the product is certified organic.

The Panel noted the guidance on the ACCC website relating to organic claims which states:

“Organic products intended for the Australian market are not required to be certified in order to be labelled ‘organic’. However, there is a voluntary standard for growers and manufacturers wishing to label products as ‘organic’ and ‘biodynamic’ for sale within Australia (AS 6000–2015). As it is a voluntary standard, businesses do not necessarily have to meet the requirements of this standard in order to label and sell their products as ‘organic’ within Australia.”

The Panel noted that some members of the community may consider that any claim suggesting that a product is organic means that the product has been certified as such, however considered that this is unlikely to be the interpretation of most members of the community.

Free-range / Grass-fed



The Panel noted the complainant's concern that the advertisement does not substantiate the claim that the products are sourced from free-range or grass-fed animals.

The Panel noted that the advertiser had provided a list of its suppliers and considered that the information available does support its assertion that the products are sourced from free-range and grass-fed animals.

The Panel noted that advertisers are not required to provide details of their suppliers to the public and considered that that information not being available to view by the public is not indicative of the claim being misleading.

Section 2.1 Conclusion

The Panel determined that the advertisement was not misleading or deceptive and did not otherwise contravene Prevailing Community Standards, and did not breach Section 2.1 of the Food Code.

Conclusion

Finding that the advertisement did not breach the Food Code the Panel dismissed the complaint.