



Case Report

1	Case Number	0117/15
2	Advertiser	Easiyo
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a woman with her daughter in a kitchen environment, making EasiYo. We see an EasiYo container and EasiYo Yogurt Mix sachet on the bench. Water is poured into the water container and the daughter sprinkles in the sachet contents. The daughter then shakes the container, adds more water and shakes again. The mother fills the EasiYo Yogurt Maker with boiling water and then the container is placed carefully inside the Yogurt Maker.

We then see Mum spooning yogurt into bowl whilst the daughter watches. Text on screen reads, "Billions of live cultures. No artificial ingredients". A voiceover says, "You get more of the good stuff...and none of the bad".

The final scene is of a Pack shot on kitchen bench with mum and daughter behind, playing. The super reads, "Find in Woolworths, Big W and Independent Supermarkets".

THE COMPLAINT

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

I object to this ad under truthfulness in advertising as the product comes as a powder in sachets to which water is added to make into yoghurt. The reason for my objection is that the advertisement makes the claim that this is a healthy, home made product.

THE ADVERTISER'S RESPONSE

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

We refer to your letter concerning a complaint received by ASB in relation to an EasiYo TV advertisement produced for EasiYo Products (AUS) Ltd. We appreciate the concern, however we believe the Advertisement is legal, decent, honest and truthful and has been prepared with a sense of obligation to the consumer and society with a sense of responsibility. The Advertisement features a real life mother and daughter going through the fun process of making EasiYo yogurt at home.

We clearly believe the advertisement is within Section 2 of the AANA Advertiser Code of Ethics guidelines because:

2.1 – There is no discrimination or vilification to any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 – It is not exploitive or degrading to any individual or group.

2.3 - There is no violence whatsoever and the advertisement is also trying to celebrate the closeness in the relationship between parents and children.

2.4 – There is no sex, sexuality or nudity in the advertisement.

2.5 – All language is appropriate and no strong or obscene language is used.

2.6 – The advertisement does not depict material contrary to Prevailing Community Standards on health and safety. The child in the advertisement is 7 years old and would safely be able to use the scissors in any environment. She would also arguably be able to use boiling water at home but we determined this as a key scene in which it would be safer that the adult was carrying boiling water.

The complainant specifically objects to the “truthfulness” in the advertisement and is suggesting that because the “powder comes as a powder in sachets to which water is added to make into yogurt that it is not a healthy, homemade product”.

"Home-made is defined by dictionary.com as: “made or prepared at home, locally, or by the maker's own efforts”. The definition of homemade is the key issue in this debate. The term ‘home-made’ is difficult to define in the context of the communication as ‘home-made’ is based on personal interpretation of the term and where you are in the production or making process. The EasiYo making process (as shown in the commercial) shows the yogurt makers (mum and daughter) preparing the yogurt 'recipe', i.e.:

- mixing the ingredients (water & yogurt powder) in the correct proportions*
- shaking the ingredients together to ensure they are well mixed*

- *placing the mixed yogurt ingredients into the Yogurt Maker*

We believe the EasiYo making process we show in the advertisement meets the criteria of being 'prepared at home' as this is exactly the nature of the product. If someone does not make it as indicated in an EasiYo Maker it is only a Yogurt Mix and not yet Yogurt. Finally, the communication ensures there is absolute consumer clarity re their involvement/input into the (home) making process.

There are two key claims made in the advisement:

1. No artificial ingredients

2. Billions of live cultures

These claims are substantiated by credible, third part testing and under the Australia New Zealand Food Standards Code. For full information on the health benefits in relation to the advertisement please see the section requested on substantiation of any health, nutrition or ingredient claims.

Because EasiYo is made at home by consumers there is no need for artificial ingredients or stabilisers to protect the product over a significant period or transportation from manufacture to retailer to home use. Because EasiYo is made at home consumers are able to benefit from cultures at their freshest, which is when they are made and activated during the process that occurs in the EasiYo Yogurt Maker.

THE DETERMINATION

The Advertising Standards Board ("the 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 the advertised product, yoghurt, is made at home when the reality is you just add water to powder.

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

The Board noted that the product advertised is food and 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 advertisement features a mother and daughter demonstrating how to use the advertised product to make yoghurt at home.

The Board noted the advertiser's response that the description of the product as 'home-made' is intended to reflect the ability to assemble the ingredients and make the yoghurt in the home, and not to suggest that the ingredients of the product are made at home.

The Board noted that most viewers would understand that the term 'home-made' is open to a broad interpretation and considered that many ingredients used to make food at home will not of themselves be made in the home, for example the flour used in cakes is milled elsewhere.

The Board considered in this instance the product is clearly being demonstrated as being assembled in the home and the overall intent of the advertisement is to demonstrate how the product is prepared for consumption, not to mislead consumers about what constitutes a homemade product.

Based on the above the Board considered that the advertisement was not misleading or deceptive and 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 complaint.