



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0164-21
2. Advertiser :	Vitasoy Australia
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	16-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual
AANA Environmental Code\2 Genuine Environmental Benefit
AANA Environmental Code\3 Substantiation

DESCRIPTION OF ADVERTISEMENT

Version one

A voice-over states, "Plants are incredible. Right Terry?"

Terry is seen operating a farm vehicle, he winks and says, "too right."

The voice-over continues, "Vitasoy new that in 1940 when they helped pioneer soy milk."

Terry is seen drinking soy milk out of the carton.

The voice-over continues, "Which today does more than just nourish us. It's kinder to the planet too. Vitasoy. Let's grow a better world."

Version two

A voice-over says, "Tom drinks Vitasoy strong iced coffee because it's plant powered and good for the planet."

Tom is shown drinking the product and walking outside. He responds, "no I don't".

The voice-over asks, "Because it's good for your bod?"

Tom says, "nah, coz it's bloody delicious."

A nearby woman asks, "who are you talking to?"

Tom smiles.

The voice-over says, "Vitasoy, let's grow a better world."



Version three

A voice-over says, "Liv's a health nut. She's also nuts about doing her bit for the planet. And supporting Aussie farmers. That's why she drinks Vitasoy almond milk. Made with one hundred percent Aussie grown almonds. Nothing nuts about that. Vitasoy, let's grow a better world."

A woman is shown cooking and dancing in her kitchen.

Version four

A voice-over says, "Lucy knew switching to planet friendly oat milk would make her feel good. She just didn't expect that it would taste this creamy and delicious. Win-win hey Lucy. Vitasoy, let's grow a better world."

A woman is shown making and drinking a coffee.

Version five

A voice-over says, "Bet you think that's plant milk in your cereal? It's not plant milk. It's Planet Milk. Because it's good for us, good for them, good for this. So imagine if we all drank it. If we were glass... full full people? Why, we could change the world with every pour, stir, blend, gulp and...nice one, Holly. Look at you making a difference. A Vitasoy-almond-oat-rice kind of difference. Lizzy's making a difference and it's not even 7am yet! Can you taste it Charlie? That's Aussie milk from Aussie plants. It should be. Vitasoy's been doing it since 1940. Right Terry? Vitasoy. Let's grow a better world."

A series of different people are seen reacting to the voice-over and drinking plant milk.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertising suggests that non-dairy 'milks' are good for the environment. In actual fact, almond milk requires large amounts of water to produce. The University of California Office of Sustainability points out that just 16 almonds require 15 gallons of water (56.78 litres of water). This is not good for the environment, nor is the pesticide used or the fact that pollination of almonds requires the import of large numbers of bee hives. It can't be achieved through natural pollination.

Reference

<https://sustainability.ucsf.edu/1.713#:~:text=The%20main%20issues%20associated%20with,the%20world's%20almonds%20are%20grown>

THE ADVERTISER'S RESPONSE

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



Vitasoy is committed to ensuring our promotional and marketing material is accurate and verifiable, and not misleading or deceptive. Vitasoy does not agree with the assertions made by the complainant and notes that the overall message the advert (Advert) conveys is to encourage people to take small steps to collectively make a bigger difference in relation to the environment. It is consistent with a range of brands and campaigns empowering consumers to make conscious decisions to purchase more environmentally friendly products - whether it be greater recycled content, choosing products from carbon neutral manufacturing sites, paying for carbon off-sets or incorporating a diet with more vegan and plant-based options.

The Advert sets out characters consuming Vitasoy (a plant milk brand) on a variety of breakfast and snacking occasions where dairy milk is traditionally used. The Advert includes shots of people making coffee, their breakfast cereal and a smoothie. The Advert is deliberately fast paced, light hearted and playful with the voiceover noting "look at you making a difference (who me?)...a Vitasoy (Soy), Almond, Oat, Rice kind of difference.. Lucy is making a difference and it's not even 7am". The Advert must be seen in its overall context. The message to make small differences each day through the choice of plant milks over dairy alternatives can be clearly understood by consumers in this context.

Vitasoy stands behind the messages in the Advert, noting plant-based milks have a lighter environmental footprint compared to dairy milks. This is based on a number of factors including water intensity, land use and carbon emissions. A study carried out in 2018 by the University of Oxford (the Study) showed that producing a glass of dairy milk results in almost three times more greenhouse gas emissions than any plant-based, consumes nine times more land than any of the milk alternatives and has the greatest water usage, as demonstrated by the table below. The Study was the most comprehensive analysis to date of the damage farming does to the planet, analysing almost 40,000 farms in 119 countries and covering 40 food products that represent 90% of all that is eaten. It assessed the full impact of these foods, from farm to fork, on land use, climate change emissions, freshwater use and water pollution (eutrophication) and air pollution (acidification).

In respect of the complaint, we note that it specifically references almond milk. Whilst almond milk does have a greater water usage than the other plant milks, it is still a lower water use than dairy milk based on a number of studies including the one extracted below.

Joseph Poore, at the University of Oxford, UK, who led the Study stated the following "A vegan diet is probably the single biggest way to reduce your impact on planet Earth, not just greenhouse gases, but global acidification, eutrophication, land use and water use. It is far bigger than cutting down on your flights or buying an electric car," he said, as these only cut greenhouse gas emissions. This was also a message echoed by leading conservationist David Attenborough in his recent and widely publicised documentary A Life On Our Planet where he encouraged people to cut back on their meat and dairy consumption to reduce their impact on the planet – "We must change



our diet. The planet can't support billions of meat eaters. If we had a mostly plant-based diet we could increase the yield of the land"

Specifically, in respect of almonds there are a number of aspects to consider in respect of its beneficial impact on the environment:

- *Our almond growers will monitor water use and water use efficiency to minimise waste and associated costs;*
- *almond trees capture and store a significant amount of carbon both above and below the surface over their 25-year lifecycle which provides a climate benefit not considered in conventional carbon footprints ;*
- *according to Peter McDonald, apiarist and recent chair of the Australian Honeybee Industry Council "The pollen in almond blossoms is an excellent source of nutrition for bees. Our beehives are stronger and healthier after being in an almond orchard than before" ; and*
- *A number of our almond growers also plant a bio-diverse crop such as planting flowers, between rows of almond trees which, as well as the blossoms from the almond trees themselves, attract native insects and support pollinating bees.*

There are also a number of publicly available studies and articles which detail the fact that plant milks have a smaller environmental footprint compared to dairy milk including the below:

"Which 'milk' is best for the environment? We compared dairy, nut, soy, hemp and grain milks" <https://theconversation.com/which-milk-is-best-for-the-environment-we-compared-dairy-nut-soy-hemp-and-grain-milks-147660#:~:text=Any%20plant%2Dbased%20milk%2C%20be,use%20of%20water%20and%20land.&text=A%202018%20study%20estimates%20dairy,intensive%20than%20plant%2Dbased%20milks>.

Authors: Dora Marinova, Professor of Sustainability, Curtin University & Diana Bogueva, Postdoctoral Researcher, Curtin University, October 14, 2020

*Australian Almonds, Almond Board of Australia
<https://australianalmonds.com.au/sustainable-almonds>*

*Plant-based milks which one is healthier for you and the planet
<https://www.smh.com.au/lifestyle/health-and-wellness/plant-based-milks-which-one-is-healthier-for-you-and-the-planet-20210601-p57x4p.html>, Sunday Morning Herald, 6 June 2021, By Sophie Aubrey*

*The Environmental Impacts of Different Dairy and Dairy-Free Milks
<https://brightly.eco/the-environmental-impacts-of-different-dairy-and-dairy-free-milk/>; SEPTEMBER 15, 2020,By Michelle Gunawan*

For the reasons set out above it is Vitasoy's contention that the Advert is not misleading or deceptive and is presented in a manner that is clearly understood by the consumer. We have demonstrated that there is a genuine benefit to the environment compared to dairy alternatives and the claims are able to be substantiated therefore the advert is in compliance with the AANA Environmental Code.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Environmental Claims in Advertising and Marketing Code (the Environmental Code).

The Panel noted the complainant's concern that the advertisement suggests non-dairy milks are good for the environment which is untrue.

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

Is an environmental claim being made?

The Panel considered whether the advertisement made an Environmental Claim. The Environment Code applies to 'Environmental Claims' in advertising and marketing communications.

The Code defines environmental Claims as “any express or implied representation that an aspect of a product or service as a whole, or a component or packaging of, or a quality relating to, a product or service, interacts with or influences (or has the capacity to interact with or influence) the Environment”.

The Panel considered that an environmental claim is made in the advertisement:

Claim 1: Plant-based milk is better for the environment than dairy milk, emphasised by the phrase “Grow a better world”.

1 a) Environmental Claims in Advertising or Marketing Communication shall not be misleading or deceptive or be likely to mislead or deceive

The Panel noted that the Practice Note for this section of the Environmental Code includes:

“It is not intended that legal tests be applied to determine whether advertisements are misleading or deceptive, or likely to mislead or deceive, in the areas of concern to this Code.

Instead, consideration will be given as to whether the average consumer in the target market would be likely to be misled or deceived by the material.

Factors to consider include:

An advertisement may be misleading or deceptive directly or by implication or through emphasis, comparisons, contrasts or omissions. It does not matter whether the advertisement actually misled anyone, or whether the advertiser intended to mislead – if the advertisement is likely to mislead or deceive there will be a breach of the Code.



Environmental claims relating to future matters or commitments should be based on reasonable grounds as at the time the claim was made, even if the future matter does not come to pass. The fact that a person may believe in a particular state of affairs does not necessarily mean that there are reasonable grounds for the belief.

The target market or likely audience of the advertising or marketing communication should be carefully considered when making environmental claims. Therefore all advertising should be clear, unambiguous and balanced, and the use of technical or scientific jargon carefully considered.”

The Panel noted the complainant’s comments that the advertisement suggests that plant-based milks are environmentally friendly, and their comments detailing the various reasons that is not the case.

The Panel noted that the advertisement makes the claim that plant-based milk is better for the environment than dairy milk rather than a claim that plant-based milk is the best option or without any faults.

The Panel noted the complainant’s comments that almond milk requires large amounts of water to produce.

The Panel noted that the advertisement does not make a specific claim about water usage. However the Panel noted the advertiser’s response providing information indicating that while almond milk production does have a greater water consumption than other plant-based milks it is still a lower consumption than dairy milk.

The Panel considered that the claim in the advertisement is quite broad and generic, and the Panel considered that the advertiser had provided sufficient evidence to support such a broad claim.

The Panel considered that while some members of the community may disagree with the claim and the research used to substantiate the claim, the claim itself is significantly broad as to not be misleading or deceptive.

1 a) conclusion

The Panel determined that the claim was not misleading or deceptive and that the advertisement did not breach Section 1 a) of the Environmental Code.

2 b) Environmental Claims must not overstate the claim expressly or by implication.

The Practice Note for this Section of the Code states:

“Advertisers and marketers should avoid making claims that expressly or impliedly overstate an environmental benefit. Consideration should be given to whether there is sufficient disclosure of any negative impacts. For example, whether negative impacts have been withheld which, if known, would diminish the positive attribute.”



The Panel noted the advertiser's response that plant-based milks have a lighter environmental footprint compared to dairy milks and noted the evidence they had provide to support the statement.

The Panel considered that such evidence is sufficient to support the broad claim that plant-based milk is better for the environment than dairy milk and htat the claim has not been overstated.

2 b) conclusion

The Panel determined that the claim did not overstate the claim and that the advertisement did not breach Section 2 b) of the Environmental Code.

3 a) Environmental Claims in Advertising or Marketing Communication shall be able to be substantiated and verifiable. Supporting information shall include sufficient detail to allow evaluation of a claim

The Panel noted that the Practice Note for this section of the Environmental Code includes:

“Advertisers and marketers should have a reasonable basis for making a claim and therefore should hold appropriate, balanced, comprehensive and credible evidence to substantiate all express and implied claims. Information to support a claim may include, but is not limited to, documentary evidence or data evidencing conformity with an identified standard, research, studies, or an expert independent audit. There is no requirement to use third party verification or certification before an environmental claim is made. An advertiser's own internal procedures may be able to provide the necessary substantiation.

In testing the validity of any claim the Panel will only rely on information/material provided by the advertiser and the complainant. The Panel may seek expert advice to assist in the consideration of material provided in relation to the complaint. It is not the intent for the Panel to act as an arbiter of scientific fact, or of philosophical approaches to understanding or addressing environmental concerns.

Advertisers have a variety of avenues available for making such information available to consumers, for example, websites, brochures, labels, shelf-talkers; such information does not need to be included in the advertising or marketing communications itself.”

The Panel noted the advertiser's response that plant-based milks have a lighter environmental footprint compared to dairy milks and noted the evidence they had provide to support the statement.

The Panel considered that the evidence provided was adequate and considered that the claim was able to be substantiated.



3 a) conclusion

The Panel considered that the claim was sufficiently substantiated and verifiable and that the advertisement did not breach Section 3 a) of the Environmental Code.

Conclusion

Finding that the advertisement did not breach the Environmental Code on any other grounds the Panel dismissed the complaint.