



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0173-21
2. Advertiser :	Luv-a-Duck
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This television advertisement begins with we see a close-up shot of the hand of Man 2 pressing the play button on an old boombox. An 80's power ballad begins playing. Cut to the home's kitchen and see Man 2 opening a Luv-a-Duck Peking Duck Breast pack.

Cut to a shot of 3 duck breast fillets on a tray coming out of the oven.

Fade to a shot of the 3 duck breast fillets resting on the bench to cool. Man 2 picks up a set of car keys.

Cut to a scene outside a suburban house. Man 1 stands by an old Chevy Malibu and holds up the boombox.

Cut to the window on the first floor of the house. Female talent peeks through and smiles.

Cut to Man 1 he's got an endearing look in his eyes, cut back to the female talent she looks over to the side and looks surprised.

Cut to Man 1 again, he looks upset.

Zoom out to reveal Man 2 holding up a serving board full of duck dishes. Man 2 is flashier in dress, hair, and stands by a shiny red Mazda RX-7.

Cut to a closer shot of the board and see all the duck dishes, then pan down to Man 2. He sheds a single tear.

Cut back to the female talent blushing and in love with Man 2 and the duck on display.

VO: Luv A Duck Simply Impressive



Cut to Man 1 shaking his head in disappointment.

Cut to a plain red background with the Luv-a-Duck logo and the tagline “Simply Impressive”.

THE COMPLAINT

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

Please watch the ad, they open one packet and you are lead to believe there are 3 breast in the packet. In reality and personal experience there are only two Which is very annoying when you have 3 people for dinner and only 2 pieces. I have been mislead by this ad.

THE ADVERTISER’S RESPONSE

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

The Luv-A-Duck ‘Simply Impressive’ campaign highlights the use of duck when wanting to make an impression with an 80’s-inspired TVC featuring a classic love story simplified with a duck dish.

The Luv-a-Duck Peking flavoured Duck Breast 360g product is sold an overall pack weight, with measures in place in production to ensure the pack sizes comply with Australian Weights and Measures Standards in accordance with Australian Food Standards. The product is labelled as 360g with no minimum or maximum requirement for number breast pieces contained within each pack pertaining that the minimum net weight of the 360g is achieved.

The Luv-a-Duck Peking flavoured Duck Breasts product is featured in the opening frames of the advertisement opening, however the no references as made in relation to the number of packets purchased, ingredient listing or recipe instruction as part of the final recipe produced by the hero.

The advertisement and the product advertised is not directed at children. The advertising aired across Network Ten between 18/4/21 and 14/6/21 (complete schedule with timings attached) and all paid activity appeared within Channel 10’s MasterChef. Unfortunately, our post-time reports do not include program classification. However, kids programming (C and G rated) generally runs on 10 Shake (named 10X in the attached report) from 6am - 5:59pm. From the report it doesn’t look like any spots aired on Shake in this timeslot.



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 Code).

The Panel noted the complainant's concern that the advertisement is misleading as it shows a person opening a package and then three pieces of duck on a tray, suggesting that packages have three pieces in each when there are actually only two.

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 Food Code apply.

Section 2.1 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 considered the Practice Note to this section of the Code which provides that:

"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 shall be truthful and honest, the Community Panel will consider whether the information most likely to be taken from the advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest..."

The Panel noted that the target audience would include people that regularly consume Luv-a-duck products, however considered that the target audience would also include people that are not frequent customers and who are not familiar with Luv-a-duck products.

The Panel noted the advertiser's response that in accordance with Australian Food Standards, the package is based on weight with no minimum or maximum requirement for a particular number of pieces to be contained within the package provided the overall pack weight is met. The Panel noted that the advertisement does show the packaging of the product and that it does not specify how many pieces are in the package.



The Panel considered that most viewers of the advertisement would not consider the depiction of the oven scene showing three pieces of duck to be a confirmation or promise of how many pieces are in the package.

The Panel considered that the advertisement was not misleading in its presentation of the package.

Section 2.1 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.