



## Case Report

1	Case Number	0174/11
2	Advertiser	Campbell's Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	25/05/2011
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.8 - Food and Beverage Code      untruthful/dishonest

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question opens on a colour live action shot of a bowl of steaming soup. It pulls back to reveal it's actually a photo stuck into a lined scrapbook. The title 'Campbell's Soup of the Day' is written beneath it in a hand drawn style. As the camera scrolls across the page, various messages and doodles relevant to the ingredients, the recipe and the product are seen either animated or still. The female voice over talks about the ingredients which make the Soup so good and we see some of these ingredients. The final shot is of a carton of Country Ladle Creamy Mushroom and the text, "Campbell's. Soup of the Day."

### THE COMPLAINT

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

*The ad says that Campbell's makes the soup with mushrooms pepper and a dash of cream. These are natural ingredients produced on farms. This creates an impression that the soup is natural nutritious and free of the nasties we are constantly warned about by doctors and health authorities.. The actual ingredients are as follows (taken from the campbell's website) Velish Sensation Creamy Field Mushroom with Cracked Black Pepper (500g)*

#### *Ingredients*

*Water Beef Stock (Water Beef) Field Mushrooms (12%) Cream (10%) (From Milk) Tomato Puree Potato Starch Modified Maize Starch (E1442) Onions Sugar Salt Butter (From Milk) Red Wine (Contains Egg and Milk) Flavours (Nature Identical and Natural)*

*(Contain Milk Products and Wheat) Vegetable Protein Extract (Contains Soy) Garlic Cracked Black Pepper Food Colour (Caramel III (From Wheat)).*

*Sugar, salt, butter, nature identical food colour, food colour, veg protein extract--- these ingredients are not mentioned in the ad for good reason. They are not nutritious. Those of us seeking to feed our families with nutritious food can be misled by this kind of advertising which claims the product is made from three natural products when it is in fact made from almost twenty products- some nutritious some produced in a laboratory and some sneaked into most processed food (salt and sugar) so that most people don't even know the excessive amounts they are consuming.*

## **THE ADVERTISER'S RESPONSE**

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

*Campbell Soup Company is the largest soup manufacturer in the world and is committed to producing high quality, nutritious soups and simple meals.*

*Like most other advertisements for food products, the advertisement for Campbell's Country Ladle Creamy Mushroom and Cracked Pepper heroes the characterising ingredients that give the soup its distinctive flavour and texture: Cream, mushrooms and cracked black pepper. We do not believe the majority of consumers would expect a processed soup such as this one to contain only the three characterising ingredients featured in the advertisement. As for the remaining ingredients used to make Campbell's Country Ladle Creamy Mushroom and Cracked Pepper, the vast majority, such as sugar, salt, butter, onions and tomato puree, are common pantry items.*

*One consumer may consider ingredients like sugar, salt and butter as 'nasties'. Others may understand that in moderation, ingredients like these contain essential nutrients that have a role to play in a healthy, balanced diet. To allow consumers to make informed choices about the foods that are right for them, Campbell's provides a list of the ingredients used in each of its products on both its website and packaging. And to reassure consumers we're not 'sneaking' sugar or salt in to our products, as the complainant suggests, the average quantities for both these nutrients – both per-serve and per 100g - are clearly stated under the Nutrition Information Panel on the back of each Campbell's product, including Country Ladle Creamy Mushroom with Cracked Pepper soup.*

*Based on the information provided, we do not believe the advertisement breaches section 2 or any other section of the AANA Code of Ethics, or any of the other Codes.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code or section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement is misleading because it implies the product is made with natural and nutritious ingredients.

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

The Board 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 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 that 'prevailing community standards' means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to the advertising or marketing of food or beverage products taking into account at a minimum the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health and Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.'

The Board noted the explanatory notes to the Food Code prepared by AANA which, in relation to Section 2.1, provide:

“The Board 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 advertisements and/or marketing communications should be truthful and honest, the Board 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.

In testing the requirement that advertisements and/or marketing communications should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Board 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, advertising and/or marketing communications may make reference to one or more of the nutritional values and/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

Some complaints made under this Code that the Board is better able to determine under the broader aspects of the AANA Code of Ethics will be considered under that Code e.g. (complaints about matters such as ‘taste and decency’, language, sex and violence).”

The Board noted the advertiser’s response that the advertisement focuses on the ingredients of the soup which provide the characterising flavours, and that a full ingredients list and nutritional breakdown is printed on the labels of their soups.

The Board considered that most consumers would consider the focusing on key ingredients to not be a misrepresentation of the product, and that the most likely interpretation of the advertisement would be that it contains mushrooms, cream and pepper amongst other ingredients.

The Board noted that full information about the contents of the product is available at the point of sale and that most consumers realize that an advertisement for packaged food will usually refer to the characterising ingredients only and that this is not likely to be misleading.

The Board considered that the advertisement was not misleading or deceptive and did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.