



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0175/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Campbell's Australia</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/05/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.8 - Food and Beverage Code      untruthful/dishonest

### DESCRIPTION OF THE ADVERTISEMENT

A male voice over says, "Real. It's more than just a word in our name..." and we see a farmer picking vegetables. His hands brush the soil off the vegetables. It then cuts to an image of someone walking towards a barn with chickens in the background. Viewers then see a hand carefully throw herbs and seasoning into a stockpot. The advertisement cuts to a big stockpot, with stock bubbling away. It then cuts to Real Stock being ladled into the stockpot, before cutting back to the opening Campbell's Real Stock pack shots. The voice over says, "Campbell's Real stock...for the love of real" and we see these words on screen.

### THE COMPLAINT

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

*Campbell's chicken stock is made from barn raised chicken not free range chicken as suggested in the advertisement; I have rung Campbell's and confirmed this with them.*

### 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 responsibly marketing its range of high quality, nutritious soups and simple meals. The aim of the advertisement for Campbell's Real Stock is to promote the high quality, real ingredients used to make the product. For example, Campbell's Real Stock Chicken derives its authentic flavour because it's made with real chicken, not artificial chicken flavours. Regardless of the fact we do not use caged chickens – as we've already confirmed to the complainant – the images of the chickens in the advertisement for Campbell's Real Stock are simply pleasing ones, aimed at reinforcing the authenticity of the real chicken we use in the product versus artificial chicken flavours. Based on the above information, we do not believe the advertisement in question 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 shows free range chickens but the chicken used in the stock is not free range.

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 use of chickens in the advertisement was to enforce the message that they use real ingredients in their stock, and that the chicken represents the authenticity of the chicken flavour and is not supposed to represent the welfare of the chickens they use in their product. The Board noted that the advertiser makes no claims in the advertisement as to the welfare of the chickens used.

The Board considered that most consumers would expect to see chickens on a farm, which is the setting of the advertisement, and would consider the advertisement as a whole to be an unrealistic depiction of how the chicken stock is made as it is very unlikely that the kitchen shown is the kitchen Campbell’s use.

The Board considered that most members of the public would consider a depiction of chickens as a reference to an ingredient and, in the absence of any strong indication about how the chickens are raised, not as a reference also to the chicken being free range.

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.