



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0176-22
2. Advertiser :	Deliciou
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	24-Aug-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

This facebook advertisement features the caption "Your next lunch is sorted! Our plant-based chicken is full of protein and perfect for a quick and easy lunch [sandwich emoji]".

THE COMPLAINT

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

I believe the advertisement and product name to be misleading and not accurate. It assumes the name of a meat / animal product when it is a plant based product. It should clearly state that it is chicken flavoured.

This deceptive wording is likely to mislead a buyer who may think that the product contains actual chicken.

THE ADVERTISER'S RESPONSE

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

Thank you for sending me the complaint in pdf attachment...



The ACCC has publicly disclosed its opinion about misleading statements about plant based food products and has concluded that where it is clearly stated that the product is in fact vegan or plant based, it is not misleading to consumers.

Delicious is on a mission to make plant based food easy and delicious for everyone. We believe that if people can cook their favourite meals traditionally made with animal products, but using a plant based imitation product as a replacement, this is the best way to make plant based food accessible to the broader consumer market and will help accelerate the adoption of more plant based eating which is good for the planet, the animals and people's health. This topic has become politicised by the animal agriculture industry and certain politicians who are trying to redefine what meat is. I myself have recently testified in a senate inquiry into the definition of meat.

After selling hundreds of thousands of products to Australians we have never had one single complaint from a customer who purchased our products who thought they purchased an animal product but was surprised to find themselves consuming a plant based product. I believe the reason this has never happened is because we are crystal clear in our naming and promotion of our products that they are vegan, plant-based and free from animal products. We have no interests in fooling consumers into believing that our products are animal products so we make no such attempts to mislead anyone...

If the complainant intended to make a complaint about the naming convention of our plant based chicken product we can assure you that that particular product is indeed named "Plant-Based Chicken" which is exactly what the complainant is arguing that we should be naming the product. So why is there even a complaint submitted if that was the complaint? I can only assume that the complainant is of the opinion that Delicious more generally is advertising our products in a misleading manner by using meat and dairy names. That is an opinion we strongly disagree with because 1) we are making abundant claims that the products are of a non animal origin when using words like cheese and meat, 2) the ACCC has concluded that approach is not misleading consumers and 3) we have never to my knowledge had a confused buyer based on our approach to advertising our products.

I would also encourage Ad Standards to look at the broader political landscape around the topic of definition of meat and consider that there are a lot of strong political feelings in regards to this matter which naturally would make people upset when they see companies naming and advertising their products using animal product names together with plant based descriptors. There are therefore a lot of people that would be complaining about this matter not because it is misleading but because it is against their personal political beliefs.

I hope that this response thoroughly addresses the concerns of the complainant and any concerns that Ad Standards may have in relation to this complaint. However if you wish to expand on any of the topics discussed or have any questions please do not hesitate to get back in touch with me.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concern that the advertisement is misleading by stating it is plant based chicken rather than plant based and chicken flavoured.

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

The Panel noted that the product advertised is a food product and that therefore the provisions of the Food Code apply.

Section 2.1: Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

The Panel Noted the Practice Note to this section of the Food Code which provides:

“In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement.”

The Panel noted that the target audience for this advertisement would be anyone viewing the advertisement.

The Panel noted the advertiser's response that the ACCC has published its views on misleading statements about plant based food products and has concluded that where it is clearly stated that the product is in fact vegan or plant based, it will not be misleading to consumers.

The Panel considered that “plant based chicken” is common phrasing, with similar terms used for many vegetarian products. The Panel considered that most members of the community would understand that the product is not (real) chicken meat, but rather a plant based product that tastes like chicken.

Section 2.1 Conclusion

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

Conclusion



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