



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0198-21
2. Advertiser :	Grill'd
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	14-Jul-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive
AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man eating a burger on the couch when a woman walking in and says "did someone say MSG?" A jingle plays. The woman continues "yeah, there's MSG in KFC, and something called tripolyphosphate of sodium, and silicon dioxide 551". The man looks dejected and says "not 551". A voiceover states "some herbs and spices are secret for a reason, but Grill'ds healthy fried chicken burgers have no additives".

THE COMPLAINT

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

Deliberately misleading regarding safety of food additives in a competitors product namely MSG. Designed to install fear

It's then implied the burger is bad for him due to the MSG, and a number of other chemical compounds VS Grill'd which has no additives. Let alone the fact that in this context, salt & pepper would be considered an additive, so the ad is misleading under the premise that it sets up, my main concern is that it's perpetuating a racist myth about MSG. There has never been an established link between MSG and "Chinese



restaurant syndrome" yet the stereotype and myth has continued over the decades. It's misleading at best to suggest a burger with MSG is worse for you than one without, and it's hurtful to an entire race of people at worst.

THE ADVERTISER'S RESPONSE

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

This response refers to the complaint which you received on 18 June 2021 relating to Grill'ds "No Secrets" TV ad.

To enable the Community Panel to consider our response we have provided in this letter the requested information about the specific advertisement under complaint.

For upfront clarity, we can substantiate the claims made in the Films for our "Did Someone Say MSG?" campaign that:

- There is MSG, Tripolyphosphate of Sodium and Silicon Dioxide 551 present in KFC products; and*
- Grill'd Healthy Fried Chicken is 100% natural, with zero artificial colours, flavours, preservatives and contains no hidden additives.*

And further, with regards to the complaint, we do not imply MSG or any other food additives are unsafe or refer to anything to do with safety of additives. We do list three examples of additives being MSG, tripolyphosphate of sodium and 551, which Grill'd do not have in our Healthy Fried Chicken. At Grill'd we are aiming to champion transparency with regards to what the industry put into their food. Although FSANZ (Food Standards Australia New Zealand) requires packaged goods to label and name additives, this is not required for restaurants or a local takeaway but at Grill'd we believe people should know what's added to their food just as they would if they were looking at a product label in the supermarket. And finally, we believe it is reasonable to expect that the general community views products with hidden additives as less desirable.

The other requested information is as follows:

A description of the Advertisement;

The 'No Secrets' TVC campaign shines a light on the 'secret' additives and preservatives found within fast-food competitors' burgers which are not found in Grill'd burgers

A copy of the script;

Katie: Did someone say MSG?

Katie: Yeah. There's MSG in KFC. And something called tripolyphosphate sodium? And silicon dioxide 551.



Pete: Not 551?

VO: Some secret herbs and spices are secret for a reason.

VO: But Grill'd's Healthy Fried Chicken Burgers have no hidden additives.

Details of the programs in which the advertisement appears

- *Celebrity Apprentice Australia*
- *Everwood*
- *Travel Guides*
- *Lego Masters*
- *Doctor Doctor*
- *Home and away*
- *The Front Bar*
- *Criminal Minds*
- *The Good Doctor*
- *911*
- *MasterChef*
- *Have You Been Paying Attention?*
- *Neighbours*
- *Bold & The Beautiful*
- *The Project*

Whether the audience of the programs is predominantly children

No, we were targeting P16-39 and people using the categories fast food & casual dining. We served impressions to this target audience using unique device IDs to be as targeted as possible, with programmes such as Lego Masters which although is predominantly an 18+ audience it does capture family viewing (which based on the targeting applied is not intentional and is the nature of TV co-viewing).

Substantiation of any health, nutrition or ingredient claims or statements made in the advertisement;

We at Grill'd can substantiate the claims made in the Films for our "Did Someone Say MSG?" campaign that:

- *There is MSG, Tripolyphosphate of Sodium and Silicon Dioxide 551 present in KFC products*
- *Grill'd Healthy Fried Chicken is 100% natural, with zero artificial colours, flavours, preservatives and contains no hidden additives.*

The above information is based on the following reports and documents we have listed below:

- *Excerpt from Nutritional Claims Hierarchy (Section 6) – Source FNA (Food & Nutrition Australia) Aug 2020*
- *Email from KFC Customer Service titled "Customer Incident #2165219 – Active – Product Enquiry – Brad" – Source KFC Customer Service team*
- *KFC Burger Ingredients Nutritional profiling – Source FNA (May 2021)*

The above reference sources can be found attached to this letter.



Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes);

With regard to the complaint, we do not imply MSG or any other food additives are unsafe or refer to anything to do with safety of additives and we list three examples of additives being MSG, tripolyphosphate of sodium and 551, which Grill'd do not have in our Healthy Fried Chicken

At Grill'd we are aiming to champion transparency with what the industry put into their food. Although FSANZ (Food Standards Australia New Zealand) requires packaged goods to label and name additives, this is not required for restaurants or a local takeaway but Grill'd believe people should know what's added to their food just as they would if they were looking at a product label in the supermarket

We hope this response provides you with the necessary detail to reach the view that have not in fact breached the AANA code, and please don't hesitate to contact us if you require any other information.

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 Food Code) or the AANA Code of Ethics (the Code of Ethics).

The Panel noted the complainants' concerns that the advertisement is misleading and racist.

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.

Food Code 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...”

MSG in competitor’s products

The Panel noted that the advertisement makes a specific reference to KFC products containing MSG, tripolyphosphate of sodium, and silicon dioxide 551. The Panel noted that the three ingredients are food additives.

The Panel considered the supporting information that the advertiser had provided detailing KFC products which contain the listed ingredients.

Based on that information the Panel considered that the statement “yeah, there's MSG in KFC, and something called tripolyphosphate of sodium, and silicon dioxide 551” is not misleading or deceptive.

MSG unsafe/unhealthy

The Panel noted the complainants’ concerns that the advertisement is misleading regarding the safety of MSG and implies that a burger containing MSG is bad for you.

The Panel noted that the advertisement makes no claims or reference to the listed additives (MSG, tripolyphosphate of sodium, silicon dioxide 551) being in some way unhealthy or unsafe.

The Panel considered that the advertisement suggests that a burger with additive ingredients such as the ones described would be less desirable than a natural, unprocessed burger with no additives at all. The Panel considered that this would be a matter of personal taste and considered that the suggestion that a burger from KFC is less desirable compared to a Grill’d fried chicken burger is not itself misleading or deceptive.

Food Code Section 2.1 Conclusion

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

Code of Ethics Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of: Discrimination - unfair or less favourable treatment



Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin

The Panel noted a complainant's concern that the advertisement is perpetrating a racist myth regarding MSG and China.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted that MSG and Chinese food have been closely associated in the past and acknowledged that there may have been community sentiment that MSG was undesirable and as a consequence so were China/Chinese food/Chinese people.

However the Panel noted that the advertisement makes no reference to China or Chinese people, and that there is no imagery in the advertisement referring to either the country or its citizens.

The Panel considered that the intent of the advertisement is to highlight that Grill'd products do not have such additives rather than to make a comment on a particular nationality.

The Panel considered that most members of the community would understand the intent of the advertisement and would not consider it to be discriminatory towards or vilifying of China or Chinese people.

Code of Ethics Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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