



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0201/18
2	Advertiser	Grill'd
3	Product	Food / Beverages
4	Type of Advertisement / media	Internet
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

## DESCRIPTION OF THE ADVERTISEMENT

This website advertisement features the claim "we're all about healthy burgers".

## THE COMPLAINT

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

*The slogan at Grill'd is that "we're all about healthy burgers". How is a pork belly burger healthy? It is literally roasted pork fat. This is a false claim.*

## THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

## THE DETERMINATION



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

The Panel noted the complainant’s concerns that the advertisement is misleading.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

The Panel noted that the product advertised is food and that therefore the provisions of the Food Code apply. In particular the Panel 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 Panel noted the internet advertisement included the phrase ‘we’re all about healthy living and healthy burgers. Burgers that are good for you and good for your community. Taste is our top priority.’

The Panel noted the complainant’s concern that the advertisement is misleading as not all the burgers sold by Grill’d are healthy, such as the pork belly burger.

The Panel considered that the phrase ‘we’re all about healthy burgers’ does suggest that all burgers provided by Grill’d would be healthy, however considered that the phrase ‘taste is our top priority’ also suggests that health and nutritional value is not the top priority for the business.

The Panel considered that the claim of ‘healthy burgers’ is a broad and general claim and noted that there is no set nutritional criteria for what constitutes ‘healthy’.

The Panel considered that advertisers are entitled to use a degree of ‘puffery’ in advertisements and using the term ‘healthy’ which has no easily defined nutritional criteria would fall into the category of puffery.

The Panel also noted that nutritional information is available on the website for all products, including the pork belly burgers, and considered that consumers would be able to determine for themselves if they believed the burger is healthy or not.

In the Panel’s view the advertisement was not misleading or deceptive or otherwise contravenes prevailing community standards, and did not breach Section 2.1 of the



Food Code.

Finding that the advertisement did not breach the Food Code or any other grounds the Panel dismissed the complaint.