



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0205/18
2	Advertiser	Dairy Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	23/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features a female Victorian dairy farmer saying she'd like to raise an important issue. The farmer says Australians are not consuming enough foods from the dairy food group. The farmer goes on to say that Australian dairy foods contain natural calcium and protein, and that enjoying more Australian dairy is good for the audience and for farmers.

THE COMPLAINT

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

They claim Australians are not having enough dairy and we need to in order to be healthier which is complete nonsense. Im by no means vegan, but dairy products should not be making up the majority of your diet. I just have an issue with their claim we arent getting enough dairy without anywhere to site their source.

THE ADVERTISER'S RESPONSE





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

Details of the programs in which the advertisement appears

The Advertisement appeared across Radio within Metro Melbourne, Metro Adelaide and all main dairy regional markets across NSW, VIC, QLD, SA and WA. Paid spots across Breakfast (0600 – 0900) and Drive (1500 – 1900) timeslots, with bonus (free of charge) activity across all day (Run of Station 0600 – 1900).

The Advertisement is not currently airing (as at 14 May 2018).

Advertising to children - considerations

The audience of the programs in which the Advertisement appears is not predominantly children.

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

The Advertisement states that Australians aren't having enough from the dairy food group. The Australian Bureau of Statistics (ABS) has compared findings about Australians' intakes of food groups from the Australian Health Survey (AHS) with the recommended intakes outlined in the Australian Dietary Guidelines (ADGs). The AHS reported only "one in 10 was meeting the guidelines for dairy products" (ABS 2016). Therefore at least 90% of Australians are not having enough from the dairy food group when compared to national nutrition recommendations.

The Advertisement does not reference or make claims regarding a branded consumer product or a particular food product.

The Advertisement states that Australian dairy (as a food group) contains calcium and protein and is good for the audience. The Australian Dietary Guidelines (ADGs), prepared by the National Health and Medical Research Council (NHMRC), support the consumption of foods from the dairy food group for their various health benefits and recognises them as a good source of positive nutrients including calcium and protein (NHMRC 2013).

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

The Advertisement does not deceive or mislead in regards to the statement that Australians are not consuming enough from the dairy food group. This position is



aligned with the ABS interpretation of data from the most recent national nutrition survey in Australia, the Australian Health Survey.

Similarly the Advertisement does not deceive or mislead in regards to the statement that dairy foods are good for Australians. The Advertisement's statements around the dairy food group align with the position of Australia's peak medical body, the National Health and Medical Research Council, in its endorsed Australian Dietary Guidelines. The ADGs recognise the role of dairy foods in providing positive nutrients to the diet and are underpinned by a robust scientific review of the evidence base concerning dairy foods and health.

The complainant takes issue that "dairy products should not be making up the majority of your diet". Dairy Australia agrees with this position and would not suggest this – rather Dairy Australia would seek to better align the eating habits of Australians with the Dietary Guidelines, and eating more nutrient-rich foods which are supported by scientific evidence in leading to favourable health outcomes (such as dairy foods) is one way to achieve this.

The Advertisement does not undermine the importance of a healthy lifestyle, and the further consumption of foods from the dairy food group recommended does not constitute excess consumption. No representation of portion or serving size is made.

The Advertisement does not compare foods or food groups on a health or nutrition platform, nor does it reference consumer taste or preference tests.

The broad nutrition and health benefits of the dairy food group referenced in the Advertisement are an accurate representation of current nutrition science consensus, as summarised in the current endorsed Australian Dietary Guidelines (NHMRC 2013).

The Advertisement does not discriminate against nor vilify any individual or section of the community.

The Advertisement does not employ sexual appeal in an exploitative or degrading manner.

The Advertisement does not present or portray violence.

The Advertisement does not contain content related to sex, sexuality or nudity.

The Advertisement uses language appropriate for the audience and medium.

The Advertisement does not depict material likely to undermine health and safety standards.



The Advertisement is in a format and medium distinguishable as advertising content.

The Advertisement is not targeted at children nor placed within media that has a primary audience of children.

The Advertisement is not currently on air or appearing in any format (as at 14 May 2018).

References:

Australian Bureau of Statistics 2016, Australian Health Survey: Consumption of food groups from Australian Dietary Guidelines, cat. no. 4364.0.55.012, [http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.012~2011-12~Media%20Release~Australians%20failing%20to%20meet%20dietary%20guidelines%20\(Media%20Release\)~18](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4364.0.55.012~2011-12~Media%20Release~Australians%20failing%20to%20meet%20dietary%20guidelines%20(Media%20Release)~18)

National Health and Medical Research Council. Australian Dietary Guidelines, Canberra: Commonwealth of Australia; 2013. <https://www.eatforhealth.gov.au/guidelines>

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”).

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

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. 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 radio advertisement features an ‘Aussie Dairy Farmer’ stating that Australians aren’t having enough from the dairy food group. She goes on to state



that ‘...with natural calcium and protein dairy is good for you and good for farmers’.

The Panel noted the complainant’s concern that the statement that Australian’s aren’t eating enough dairy is unsupported and inappropriately suggests that dairy should make up the majority of a person’s diet.

The Panel noted the advertiser’s response that the statement “Australian’s aren’t having enough from the dairy food group” is based on the Australian Bureau of Statistics comparison of findings about Australian’s intake of food groups from the Australian Health Survey with the recommended intakes outlined in the Australian Dietary Guidelines and that these findings show that only 1 in 10 Australians are meeting the guidelines for dairy products.

The Panel considered that most members of the community would understand that the advertisement did not state that dairy should be the majority of anyone’s diet, rather that diets should be balanced.

The Panel noted that the Australian Dietary Guidelines are that most people need at least 2-3 serves each day of milk, yoghurt and cheese and/or alternatives (<https://www.eatforhealth.gov.au/food-essentials/five-food-groups/milk-yoghurt-cheese-andor-their-alternatives-mostly-reduced-fat>). The Panel considered that the research provided by the advertiser demonstrated that 90 per cent of Australians are not meeting this guideline.

The Panel considered that the statement “Australians aren’t having enough from the dairy food group” is accurate, is communicated in a manner appropriate to the level of understanding of the target audience and is not likely to mislead or to deceive.

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.

