



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0215/19
2	Advertiser	Mitchell's Quality Foods
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/07/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features Chef and lite n' Easy ambassador Dominique Rizzo walking through a kitchen and speaking about working with Lite n Easy. She states that they don't make diet food they create delicious and nutritious food for you to enjoy which will improve your health and save you time. She goes on to say 'and that same great food can help minimize your chances of suffering may illnesses late in life'.

THE COMPLAINT

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

In one of these lite n easy ads, they say at the very end....."that eating these lite n easy foods may extend your life via minimising the risk to getting serious illnesses and diseases.....". From what I can see no clinical or other data has been detailed so it appears unfounded those claims.

THE ADVERTISER'S RESPONSE



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

The commercial was approved by CAD with the reference number G74DOFPA. Please find attached the script and the original substantiation letter for the script which was supplied with the commercial for approval. The commercial is aired across a wide variety of FTV and STV stations, programmes and time slots, but is not targeted towards children's programming. We do not use an advertising agency, but we do book our media through Zenith Media.

As per the substantiation letter, all Lite n' Easy menus are developed by our own chefs and dietitians according to nutritional parameters set by Head Dietitian Maryl-Ann Marshall Marshall (B.Sc (Hons) Dietetics, Grad.Dip. Nutrition & Dietitian M.DAA, APD). The parameters are based on the Australian Dietary Guidelines and the NRVs (Nutrient Reference Values) released by the Australian Government, NHMRC and Department of Health and Aging.

On the full meal plan, customers receive all their breakfasts, lunches, dinners, fruit and snacks for each day. The meals are individually portioned to meet the above parameters and spaced throughout the day to meet either a 1200, 1500 or 1800 daily calorie level. The plans also provide the recommended 2 serves of fruit and 5 serves of vegetables each day.

Eating 2 serves of fruit and 5 serves a vegetables each day is considered by many health experts and government authorities (e.g. LiveLighter, SA GOV, VIC GOV) to be the most important dietary change a person can make to improve their health and minimise their chances of suffering many lifestyle diseases. According to the Australian Bureau of Statistics, less than 12% of the Australian population eats the recommended 2 serves of fruit and 5 serves of vegetables each day. However, Lite n' Easy customers do receive the recommended serves each day.

In addition, a range of other studies from around the world have also shown that healthy lifestyle choices, like eating the right foods in the right portions, can reduce your chances of suffering diabetes, heart disease and some cancers by as much as 80%. For example - Ford, E.S., Bergmann, M.M., Kröger, J., Schienkewitz, A., Weikert, C. and Boeing, H., 2009 Healthy living is the best revenge: findings from the European Prospective Investigation Into Cancer and Nutrition-Potsdam study. Archives of internal medicine, 169(15), pp.1355-1362. This is a prospective cohort study involving 23153 German participants aged 35 to 65 years. Participants were given a score of 0 or 1 for each of the following factors (healthy: 0 points, unhealthy: 1 point): never smoking, having a body mass index lower than 30, performing 3.5h/wk or more of physical activity, and adhering to healthy dietary principles (high intake fruits, vegetables, and whole grain bread and low meat consumption). The four chronic diseases assessed were: type 2 diabetes mellitus, myocardial infarction, stroke and



cancer. The study found that participants who were 'healthy' for all 4 factors at baseline (including diet) had a 78% lower risk of developing a chronic disease (T2DM: 93%, MI: 81%, stroke: 50%, and cancer: 36%) compared to participants without any healthy factor.

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 makes claims which aren't substantiated.

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

The Panel noted that the product advertised is ready made meals 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 this television advertisement features Dominique Rizzo walking through a kitchen and speaking about working with Lite n' Easy. She states that they don't make diet food they create delicious and nutritious food for you to enjoy which will improve your health and save you time. She goes on to say 'and that same great food can help minimize your chances of suffering many illnesses later in life'.

The Panel noted the complainant's concern that the advertiser's claim that eating Lite n' Easy foods can minimize the risk to getting serious illnesses and diseases is unfounded and not clinically supported.

The Panel noted the advertiser's response that Lite n' Easy meal plans are based on Australian nutrition guidelines and that eating the right foods have been clinically shown to reduce the risk of many serious diseases.

The Panel noted the Practice note for the Food Code states: "In testing the requirement that an advertising or marketing communication should 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.”

The Panel considered that an average consumer viewing the advertisement would understand that eating a healthy, balanced diet can contribute to reducing the risk of illness and disease. The Panel considered that the advertisement’s claim that their product can help minimize the chances of suffering from illness was a claim that the meal plans and food provided by Lite n Easy does equate to a healthy, balanced diet.

The Panel considered that the information most likely to be taken from the advertisement by an average consumer is that the Lite n’ Easy foods can make up a healthy diet, and that eating a healthy diet can be a contributing factor in reducing the risk of developing many illnesses. The Panel considered that the claim made in the advertisement was truthful and honest and was not misleading or deceptive.

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.

