



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0236/18
2	Advertiser	Campbell's Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
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

This television advertisement depicts 6 scenes showing people eating biscuits. The voiceover says "Arnott's biscuits are made by Australians for Australians. But we reckon the real reason Aussies buy them is they're the tastiest choccie biscuits money can buy. Arnott's, there is no substitute".

THE COMPLAINT

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

Arnott's may employ people in Australia to produce their biscuits but the Arnotts company is a wholly owned subsidiary of the USA Campbell Soup company. It is therefore actually Campbell's that "makes" the Arnotts biscuits. The advertisement is therefore misleading and deceptive.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

I refer to your letter of 30 April 2018 and attach the requested copy of the advertisement in digital format.

The 15-second advertisement depicts 6 scenes showing Australians of various ages and ethnic backgrounds enjoying Arnott's biscuits. The script is provided below: "Arnott's biscuits are made by Australians for Australians. But we reckon the real reason Aussies buy them is they're the tastiest choccie biscuits money can buy. Arnott's - There Is No Substitute"

The audience of the program is not predominantly children. The advertisement does not include any claims or objective statements relating to health, nutrition or ingredients.

The subject of the complaint is the voice-over line "Arnott's biscuits are made by Australians for Australians."

You have asked us to address Section 2.1(a) of the AANA Food and Beverage Code. The complainant alleges that it is misleading to describe Arnott's biscuits as "made by Australians" because Arnott's Biscuits Limited is a subsidiary of Campbell Soup Company (the latter being an American company).

We reject the complainant's position and his interpretation of this plain and literal statement. 99% of the Arnott's biscuits sold in Australia are manufactured locally in our bakeries in NSW, Queensland and South Australia. 100% of the chocolate biscuits shown in the advertisement are made locally here in Australia. Arnott's currently employs over 2,200 people in Australia, most of whom work in our bakeries making biscuits that are predominantly sold in Australia.

Arnott's has invested more than a quarter of a billion dollars in our Australian manufacturing sites over the past five years and supports farmers and local businesses within Australia, spending \$500 million each year on raw ingredients, packaging and other services.

The advertisement reminds Australians that Arnott's chocolate biscuits sold here are Australian-made. This is important and relevant because recent consumer research suggests over 70% of Australians prefer to eat locally made food. The advertisement also includes our opinion that these treats are the tastiest chocolate biscuits money can buy. The advertisement does not make any reference concerning nationality of corporate ownership.

We submit that a viewer of this advertisement would ordinarily understand "Arnott's biscuits are made by Australians" to mean that the biscuits were baked in Australia by people working here. We stand by this statement as factually accurate, and we submit that it is not misleading or deceptive.



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’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 television advertisement features various scenes of people enjoying biscuits with a voice over stating ‘Arnott’s biscuits are made by Australians, for Australians. But we reckon the real reason Aussies buy them is that they’re the tastiest biscuits money can buy.’

The Panel noted the complainant’s concern that the advertisement states that Arnott’s biscuits are made by Australians, when they are actually owned by an overseas company and therefore it is this company that ‘makes’ the biscuits.

The Panel noted the advertiser’s response that the advertisement does not make any references to the nationality of corporate ownership, rather that the advertisement refers to the biscuits being made in Australia which is accurate.

The Panel noted the advertiser’s response detailed that 100% of the chocolate biscuits shown in the advertisement were made locally in Australia by 2,200 Australians employed by Arnott’s.

The Panel considered that the advertisement clearly states that the biscuits shown are made by Australians and does not say or suggest that the company is owned by Australians or strongly suggest that all Arnott’s biscuits are made in Australia.

The Panel considered that most members of the community who viewed the



advertisement would understand that the biscuits themselves are made in Australia and considered that this understanding would be accurate.

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.

