



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0277-20
2. Advertiser :	Baiada Poultry
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	App
5. Date of Determination	23-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive
AANA Food and Beverages Code\2.3 Unsupported nutritional/health claims
AANA Food and Beverages Code\2.6 Inaccurate taste/size/content/nutrition/health claim

DESCRIPTION OF ADVERTISEMENT

This advertisement broadcast on Spotify makes reference to Steggles turkey meat being a superfood. There are 4x 60 second versions and 4x 30 second versions.

This advertisement broadcast on Spotify makes reference to Steggles turkey meat being a superfood. There are 4x 60 second versions and 4x 30 second versions.

1. German Techno 60":
Holding a birthday party for your five year old.
Ugly, but good for you.
When you don't want to leave the club but now you're having to be told.
Ugly, but good for you.
Doing fitness classes in ze public park.
Ugly, but good for you.
When you don't know how to dance but now you think it's time to start.
Ugly, but good for you.
Ugly - is good for you.
Steggles Turkey - is good for you.
Ugly - is good for you.
Steggles Turkey, it's superfood.
They gobble, and wobble, their tiny bald heads.



They have such juicy meat that we ignore their dangly necks.

Oh, because...

Ugly - is good for you.

Steggles Turkey - is superfood.

2. German Techno 30”:

Doing fitness classes in ze public park.

Ugly, but good for you.

When you don’t know how to dance but now you think it’s time to start.

Ugly, but good for you.

Ugly - is good for you.

Steggles Turkey, it’s superfood.

Ugly - is good for you.

Steggles Turkey, it’s superfood.

3. Rock 60”:

Muscle man shouts as you bounce and jiggle,
Sweaty wet bods, right left, you’re the middle.

Sticky down low, old yoga mat.

Cos... Ugly’s good - yeah you know that.

Steamed up windows, and bulging veins.

Carpet burnin’ on your knees and face.

You leave so greasy, but you go back.

Cos...Ugly’s good - yeah you know that.

Ugly, ugly’s good for you.

Steggles Turkey’s superfood.

Big weird bird, gobble gobble gobble.

Lookin’ for low fat treats - that’s the lotto.

Not so pretty but it tastes so sweet.

Cos...Turkey’s nature’s supermeat.

Ugly, ugly’s good for you.

Steggles Turkey’s superfood.

4. Rock 30”:

Ugly, ugly’s good for you.

Steggles Turkey’s superfood.

Muscle man shouts as you bounce and jiggle,
Sweaty wet bods, right left, you’re the middle.

Sticky down low, old yoga mat.

Cos... Ugly’s good - yeah you know that.

Ugly, ugly’s good for you.

Steggles Turkey’s superfood.

5. Spin 60”

Bouncin’ butts! Slippery seats!

Riding up! Your steamy crease - ohh!

Burnin’ legs! Mince meat feet!



Instructor says...step up the beat, get ugly!
Ugly is good for you.
So - pedal, pedal, pedal, pedal, pedal!
Ugly is good for you.
Now - gobble, gobble, gobble, gobble, gobble!
Steggles Turkey's superfood...
Loose caboose! Put to use!
Spandex suit! Glistening glutes - ohh!
Ugly is good for you.
So - pedal, pedal, pedal, pedal, pedal!
Ugly is good for you.
Now - gobble, gobble, gobble, gobble, gobble!
Steggles Turkey's superfood...
Bearded beak! Best meat to eat.
Lean protein! Tastes so sweet - get ugly.
Ugly is good for you.
Steggles Turkey's superfood! Steggles Turkey's superfood!

6. Spin 30"
Burnin' legs! Mince meat feet!
Instructor says...step up the beat, get ugly!
Ugly, ugly is good for you.
Steggles Turkey's superfood!

Bearded beak! Best meat to eat.
Lean protein! Steggles Turkey's! Tastes so sweet
Gobble gobble gobble gobble gobble

7. Pop 60"
Well there's a bird, it's not so pretty. Out of ten, it's minus fifty. Its wrinkled snood,
dangles so long. But when you let it in, it makes you strong.
Because... Ugly things are good for you, Ugly things are good for you. Steggles
Turkey's superfood.
Like when you lose your keys, but find yourself. When you're alone in the gym and
need to belch. When your heart's been broken, you make it through. Ugly things are
good for you.
Because... Ugly things are good for you, Ugly things are good for you. Steggles
Turkey's superfood.

8. Pop 30"
Well there's a bird, it's not so pretty. Out of ten, it's minus fifty. Its wrinkled snood,
dangles so long. But when you let it in, it makes you strong.
Because... Ugly things are good for you, Ugly things are good for you. Steggles
Turkey's superfood.



THE COMPLAINT

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

I highly doubt turkey meat could ever be taken as a superfood. The very nutritional basis of this claim is grounded purely on pushing a product and not on any nutritional claims. This is misleading

THE ADVERTISER'S RESPONSE

We refer to your letter of 8 September 2020 in relation to the above complaint (Complaint) regarding Baiada's recent advertisements for Steggles Turkey, as featured on Spotify (Ads).

Thank you for the opportunity to reply to the Complaint.

We note that you have identified the following sections of the AANA Food and Beverages Code (AANA F&B Code) which may have been breached according to the Complaint, namely:

- (a) 2.1 - Truthful Honest Not Misleading or deceptive\communicated appropriate to the level of understanding;*
- (b) 2.6 - Inaccurate taste/size/content/nutrition/health claim\claims specific and accurate; and*
- (c) 2.3 - Unsupported nutritional/health claims\claims meets Australia New Zealand Food Standards Code (FSANZ Code).*

We further note the requirements out of the FSANZ Code that food advertising must:

- (a) accurately set out health benefits and nutritional benefits;*
- (b) such health or nutritional claims must be supported by "appropriate scientific evidence"; and*
- (c) all aspects of the food products shall be represented accurately (including nutrition and health benefits).*

Advertiser's Response

We set out our response to the Complaint as follows:

- 1. Description of Ads;*
- 2. Advertising program;*
- 3. Target audience;*
- 4. Claim substantiation;and*
- 5. AANA Code of Ethics (Ethics Code).*

1. DESCRIPTION OF ADS

1.1 Background

The Steggles radio campaign is an advertising campaign designed as a playful, entertaining campaign to raise awareness of turkeys, speaking to health-conscious,



fitness enthusiasts who listen to Spotify workout playlists, without any intention to mislead consumers on the health benefits of Steggles turkeys.

The primary message of this campaign is that although on one hand Turkey is a rather ugly bird, it is nevertheless good for you and has real nutritional benefits, especially when compared to other meat products. Moreover the nutritional benefits justify the claim that the food is a superfood.

1.2 Outline

The advertisements are entertaining Spotify audio adverts for Steggles Turkey designed to raise awareness of the meat as a lean protein.

The adverts take the form of songs / music compositions in a range of different musical genres, designed to suit the Spotify musical environment. There were 4 x 60" adverts, and 4 x 30" adverts. These audio adverts are also supported by 4 x unique banner ad visuals.

2. ADVERTISING PROGRAM

2.1 The Ads are Spotify only (non-premium), playlist targeting and audience segment targeting ads:

(a) Playlist targeting: workout, yoga, running, biking; and

(b) Audience segment targeting: fitness enthusiasts, runners, health and wellness, healthy living, sport and recreation podcast listeners.

2.2 The Ads commenced airing on Spotify on 24th August and concluded on 6th Sept. We confirm that the Ads have now ceased as at the date of this letter.

3. TARGET AUDIENCE

The Ads were not predominantly targeted at children.

The target audience for the Ads was people between the ages of 25-54 years of age.

4. CLAIM SUBSTANTIATION

The substance of this Complaint is that the labelling of turkey as a "superfood" or "supermeat" is misleading as it is a nutritional claim that cannot be substantiated.

Neither "superfood" nor "supermeat" is a term prescribed by law or any of the applicable food codes in Australia, including the FSANZ Code. Natural foods which are high in nutritional values are commonly marketed as "superfoods" by food businesses in Australia. In the absence of a prescribed meaning, the plain, everyday meaning should therefore apply.

The Merriam-Webster Dictionary defines a superfood as "a food (such as salmon, broccoli, or blueberries) that is rich in compounds (such as antioxidants, fiber, or fatty acids) considered beneficial to a person's health." Meanwhile, The Oxford English



dictionary describes a superfood as “a nutrient-rich food considered to be especially beneficial for health and well-being”.

Feedback from NSW Department of Primary Industries Food Authority was sought on 8th June 2017 in relation to use of "Supermeat"/ “Superfood”. The NSW Department of Primary Industries Food Authority (ref 325862 – Mr. Andrew Davies) advised as follows:

"Regarding the "super food" description, I'm unaware of any definition which will constrain its use although it should be used appropriately. My view is that the term will allude to the food being a nutrient-rich food considered with health/well-being benefits. Based on the parameters of low fat, protein and mineral content, I foresee no concerns in the context of turkey".

Furthermore, Food Standards Australian and New Zealand (FSANZ) set out the following guidelines for nutritional claims (which Turkey satisfies as set out below):

Claim	FS/ANZ Guidelines	Steggles Turkey Diced	Steggles Turkey Tenderloins
High in Protein	More than 10g per serve	23.8g	24.0g
High in Vitamins	More than 10% of recommended daily intake (RDI) of at least 2 essential vitamins	Vitamin B3 (63%) / Selenium (39%)	Vitamin B3 (62%) / Selenium (41%)
Low in Fat	Less than 3g fat per 100g	1.5g/100g	1.2g/100g
Low in Saturated Fat	Less than 1.5g Sat.Fat per 100g	0.5g/100g	0.4g/100g

The nutritional health benefits of Turkey are well documented and could indeed meet the definitions above.

Please find below: Source: Australasian Turkey Federation: <https://www.turkeyfed.com.au/about-turkey/health-benefits/>):

- “Turkey is a very rich source of protein, niacin, vitamin B6 and the amino acid tryptothan. Apart from these nutrients, it is also contains zinc and vitamin B12. The skinless white meat of turkey is low on fat and is an excellent source of high protein.



- *Turkey also contains anti-cancer properties. It is a very good source of the trace mineral selenium, which is an essential component required for thyroid hormone metabolism, antioxidant defence systems, and immune function. Scientific studies have suggested that selenium intake can bring down cancer incidence.*
- *Light, skinless roasted turkey is low on saturated fat and total fat. It also contains less cholesterol than chicken, pork or beef.*
- *Turkey is believed to have mood-enhancing properties. It contains tryptothan, which produces serotonin, a neurotransmitter that helps improve your mood. Tryptothan also plays an important role in strengthening the immune system, as suggested by scientific evidence.*
- *The vitamin B6 and niacin present in turkey are essential for energy production in the body. Niacin is also important for converting the proteins, fats and carbohydrates in the body into usable energy.”*

The purpose of the Ads and the use of the “superfood” term was to promote turkey as being comparably high in nutritional value to other meat; a nutritional claim which can be substantiated by reference to the above sources.

The Ads did not make any other health or nutritional related claims that cannot be substantiated or are otherwise in breach of the FSANZ Code.

5. CODE OF ETHICS

In addition to the submissions made above, we acknowledge the requirement for the Ads to comply with the Code of Ethics. Specifically, it is our view that the Ads:

(a) do 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 (Code 2.1);

(b) do not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Code 2.2);

(c) do not present or portray violence which is unjustifiable in the context of the product or service advertised (Code 2.3);

(d) do not treat sex, sexuality and nudity with insensitivity to the relevant audience (Code 2.4);

(e) do not use language which is inappropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is avoided (Code 2.5);

(f) do not depict material contrary to Prevailing Community Standards on health and safety (Code 2.6); and

(g) are clearly distinguishable as advertising to the relevant audience.

CONCLUSION

For the reasons outlined above, we submit that the Complaint is unjustified on the basis that the nutritional claims are substantiated and the Ads do not breach any of the applicable AANA Codes.



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 concern that the nutritional basis of the claim that turkey is a superfood is misleading and not based on any nutritional claims.

The Panel reviewed 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.

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."

In relation to section 2.1 of the Code the Panel considered the Practice Note to the Food 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 should not be designed to be misleading or deceptive, or otherwise contravene prevailing community standards, the Panel will consider the advertiser's stated intention, but may also consider, regardless of stated intent, that an advertisement is by design misleading or deceptive, or otherwise contravenes prevailing community standards in particular regard to stated health, nutrition and ingredient components of the food or beverage product.

"Thus, an advertising or marketing communication may make reference to one or more of the nutritional values or health benefits of a product but such references must be accurate and appropriate to the level of understanding of the target audience, and must not misleadingly represent the overall nutritional or health benefits of the product."

The Panel noted that the advertisement consisted of a series of eight audio advertisements. The Panel noted that all of the advertisements referred to turkey as a superfood, and some referred to it as a supermeat.



The Panel noted the advertiser's response that the term 'superfood' or 'supermeat' is not a term prescribed by law or under the Food Standards Australia and New Zealand (FSANZ) Code. The Panel further noted the advertiser's response that foods which are high in nutritional values are commonly marked as superfoods.

The Panel noted that the advertisement was targeted towards people listening to workout playlists on Spotify, and Spotify users who were interested in fitness. The Panel considered that the target audience would likely have a reasonable understanding of nutrition claims in advertising.

The Panel noted that it had previously considered the criteria for what is a superfood in case 0225-15, in which:

"The Board then considered the reference to the product as a superfood. In the absence of a definition of a superfood within the Food Standards Code, the Board considered the definition provided by the advertiser and from the Macquarie Dictionary. This defines a superfood as "a food with such a high concentration of nutrients, especially of vitamins and minerals, that only a small amount has to be consumed in order to gain the health benefits thought to be associated with that specific food."

The Board noted that the use of the term 'superfood' is a relatively new term and that there is a changing list of foods that are identified as being superfoods. The Board noted that there are no specific scientific criteria to be met when measuring whether a particular food meets the definition. The Board considered however, that most members of the community would understand the word superfood to mean a food type or ingredient that is of a reasonable nutritional benefit without needing to consume unrealistic amounts of the product.

The Board considered that the term is somewhat imprecise but that most reasonable consumers would appreciate that oats are a good nutritional choice and therefore considered that the use of the term superfood was not misleading or deceptive."

Consistent with the previous determination, in the current advertisement the Panel considered that most members of the community would understand superfood to mean a food that has a reasonable nutritional benefit. The Panel noted that the advertiser had provided information on the nutritional benefits of the product and considered that most reasonable consumers would understand turkey to have high nutritional value and would not consider the terms 'superfood' or 'supermeat' to be misleading.

On this basis, the Panel determined that the advertisement was not misleading or deceptive and was communicated in a manner appropriate to the level of understanding of the target audience and did not breach Section 2.1 of the Food Code.

The Panel considered section 2.3 of the Food Code which provides: "Advertising or Marketing Communication for Food or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims



shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Food Standards Code.”

As discussed above, the Panel noted that there are no criteria under the FSANZ Code relating to the claims of superfood or supermeat.

The Panel noted the advertiser’s response that turkey meets the FSANZ guidelines for the nutritional claims: high in protein; high in vitamins, low in fat; and low in saturated fat.

The Panel considered that an Average Consumer, acting reasonably, would consider that the nutritional criteria of the advertised product could be considered a superfood or supermeat.

The Panel determined the advertisement did not breach Section 2.3 of the Food Code.

The Panel considered section 2.6 of the Food Code which provides: “Advertising or Marketing Communication for Food or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, shall be specific to the promoted product/s and accurate in all such representations.”

The Panel noted that the claims of ‘superfood’ and ‘supermeat’ may be considered nutrition or health claims, however as noted above the advertiser had provided sufficient information about the nutritional characteristics of the product that these claims were not inaccurate.

The Panel determined the advertisement did not breach Section 2.6 of the Food Code.

Finding that the advertisement did not breach any other sections of the Food Code the Panel dismissed the complaint.