



Ad Standards Community Panel
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Case Report

1. Case Number :	0287-20
2. Advertiser :	Woolworths Supermarkets
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
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

DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting Woolworths. The advertisement shows a dirt road, a group of cattle, four farmers standing near a gate holding mugs, chickens walking across grass, a hand holding eggs, a net being pulled out of the water, a man holding up a large barramundi, a number of dead barramundi on ice and a Woolworths truck driving past a field.

The voice over states:

"We're committed to always picking Australian first when it comes to Woolworths fresh meat. It's 100% Australian.

Same as our fresh chicken. And our range of fresh eggs. Just like our milk from across the country

And this fresh Barramundi from Humpty Doo in the Northern Territory, well, it couldn't be more Australian!"

The advertisement includes the super: "Proudly committed to an Australian First Fresh Sourcing Policy. Woolworths.com.au"

THE COMPLAINT

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

Woolworths are communicating that they have 100% fresh Australian meat, milk, eggs and that this is a unique sourcing strategy for them. However under the



Biosecurity Act 2015 restrictions apply to the importation of raw foods, with eggs, dairy, and meat being some of the restrictive items. Therefore, for these items you can only buy 100% fresh Australian in any supermarket, and so it's misrepresentative for Woolworths to claim this as a point of difference. For instance if a customer is buying fresh pork, they can only buy Australian, in any retailer. This is not unique to Woolworths. This is not Woolworths doing anything different or better than the competition. This is the standard in Australia.

Within the ad there is also reference to their 100% fresh Australian chicken, and the shot shows a free range chicken in very lush grass. However on Woolworths website they state that of their fresh chicken is RSPCA Approved, which is nearly all farmed inside and not free range. So the image of a chicken outside is misleading as not how the majority of their chicken is farmed. Providing false or misleading claims.

THE ADVERTISER'S RESPONSE

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

Woolworths respectfully submits that the Advertisement is truthful and not misleading or deceptive, and that the Complaint should be dismissed.

The Advertisement features Paul Turner and some of Woolworths' valued farmers including:

- Dan Richards from Humpty Doo Barramundi in Humpty Doo, NT, who supplies Woolworths with Australian barramundi. Humpty Doo Barramundi has been supplying Woolworths for over 10 years and the Richards family was recognised as Sustainability Supplier of the Year in 2018.*
- Katie and Scott Lloyd from Lloyd Pastoral in Chinchilla, Queensland, who supply Woolworths with fresh meat/beef. The Lloyd family was Woolworths Supplier of the Year in 2013 and have been a Woolworths partner for more than 30 years.*

Woolworths is proud to hero these farming families and bring attention to their hard work in ensuring customers have access to quality, Australian products. We feel it is particularly important to showcase our farmers in circumstances where Australian farmers have experienced droughts, bushfires, floods and the impacts of the COVID-19 pandemic in the past 12 months alone.

The Advertisement showcases specific products

Section 2.1 of the Code requires information in an advertisement to be communicated in a manner appropriate to the level of understanding of the relevant target audience.

Each Woolworths and Woolworths' competitors have and market their own Australian sourcing policies, with some overlapping product categories. The Advertisement makes specific claims in relation to fresh meat, chicken, eggs, milk and barramundi sourced and sold by Woolworths (Featured Products), supported by the voiceover



statement: “Woolworths fresh meat. It’s 100% Australian... Same as our fresh chicken... fresh eggs... milk from across the country... this fresh Barramundi from Humpty Doo in the Northern Territory”.

The purpose of the Advertisement is to showcase the types of fresh products sold by Woolworths that are 100% Australian. The Advertisement does not claim nor suggest that by sourcing the Featured Products from Australia, this makes Woolworths different or better than competitors. Rather, the Advertisement celebrates the Featured Products that Woolworths sources from its valued Australian farmers who help make this possible.

We contend the average consumer watching the Advertisement would appreciate that Woolworths sources a variety of fresh products from around Australia. The target audience, being primary grocery buyers, are familiar with country of origin claims and will not take away the message that, by sourcing the Featured Products from Australia, this is a unique strategy for Woolworths (contrary to the allegation in the Complaint).

Woolworths’ Australian First Fresh Sourcing Policy

The Advertisement references Woolworths’ commitment to its Australian First Fresh Sourcing Policy, which was published on our website on 23 June 2020 and is available to view here: <https://www.woolworths.com.au/shop/discover/woolworths-australian-first-sourcing-policy?icmpid=sm-discover-home-aussie-first>. This Policy applies more broadly than just the Featured Products, which are always 100% Australian, as it applies to Woolworths’ sourcing approach for its entire range of fresh products. The voiceover “We’re committed to always picking Australian first” is relevant to Woolworths’ sourcing approach for all fresh products as we will always look to choose Australian first as against other products available in the market, including those available from overseas.

For example, in relation to fresh fruit and vegetables that can be imported, Woolworths’ policy is to source Australian first and look further afield only in exceptional circumstances, such as if a fruit or vegetable is not in season, not grown here or there simply aren’t enough to go around. This means at least 96% of Woolworths’ fresh fruit and vegetables are Australian.

Featured Products are examples of Australian-sourced products

Woolworths ranges a variety of Australian fresh chicken including free range chicken (which is certified by Free Range Eggs and Poultry Australia) and organic chicken (which is Australian Certified Organic), which together account for over 22% of sales. Woolworths’ free range and organic chickens are able to roam. Woolworths does not refute that RSPCA Approved chicken is barn-raised. The Advertisement does not include footage of all types of production, rather is representative of the methods associated with the free range and organic production. The Advertisement was reviewed by Woolworths’ Poultry team to ensure it truthfully represented the production methods of the free range and organic chickens sold by Woolworths, including how these chickens are able to roam.



As the Advertisement is about showcasing the source of the Featured Products, and the production methods depicted for the Australian sourced Featured Products are truthfully represented, we contend that the Advertisement is both truthful and honest in this regard.

In relation to other Featured Products, the Advertisement depicts:

- Australian Hereford cattle which is the exact type of cattle sourced by Woolworths for its fresh meat;*
- eggs footage being representative of the production methods used to supply Woolworths' own brand Australian cage free eggs; and*
- Dan Richards at his barramundi farm displaying the farm and production methods he uses to supply Australian barramundi to Woolworths, which reinforces the voiceover statement: "this fresh Barramundi from Humpty Doo in the Northern Territory, well, it couldn't be more Australian!" .*

The Advertisement is an accurate presentation of all information including the Australian origin of the Featured Products, the types of animals, production methods and farming conditions.

Accordingly, Woolworths submits that the overall impression conveyed to the target audience is that the Featured Products are sourced from around Australia, thanks to Woolworths' relationships with its valued farmers. These representations are truthful and not misleading, and therefore do not breach the Code.

Section 2 of the AANA Code of Ethics

Woolworths also submits that the Advertisement does not contravene any of the subsections of Section 2 of the AANA Code of Ethics given that the Advertisement:

- does not portray or depict material which discriminates against or vilifies a particular section of the community;*
- does not employ sexual appeal;*
- does not present or portray violence;*
- does not contain any sexual content;*
- does not include any strong or obscene language;*
- does not depict any material contrary to Prevailing Community Standards on health and safety;*
- is clearly distinguishable as advertising to the relevant audience; and*
- does not target children through either its content or placement.*

Conclusion

For the reasons outlined above, we respectfully submit that the Complaint should be dismissed on the basis that it does 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 concerns that:

- the claim that Woolworths have 100% fresh meat, milk and eggs is a unique strategy is misleading, as this is true in any supermarket due to the Biosecurity Act 2015
- the depiction of a chicken outside is misleading as the majority of chicken sold by Woolworths is farmed inside and is not free range.

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. 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."

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."

The Panel noted the complainant's concerns that the claim that Woolworths have 100% fresh meat, milk and eggs is a unique strategy is misleading, as this is true in any supermarket due to the Biosecurity Act 2015.

The Panel noted the advertiser's response that the purpose of the Advertisement is to showcase the types of products sold by Woolworth's that are 100% Australian and



does not claim that this is a unique strategy by Woolworths. The Panel further noted the advertiser's response that their policy is to look for an Australian producer first for all fresh product, even those that can be imported.

The Panel noted that the advertisement states, "we're committed to always picking Australian first when it comes to Woolworths fresh meat. It's 100% Australian." And continues to state that fresh chicken, eggs, milk and Humpty Doo Barramundi are also Australian.

The Panel noted that the advertiser's sourcing policy confirms that these products are Australian. The Panel noted that the advertisement doesn't state that they are the only company to source these products from Australia. The Panel noted that the phrase, 'Australian First' was a reference to choosing Australian products first, and was not a reference to this being the first such policy in Australia.

The Panel considered that the claim that Woolworths' fresh meat, eggs and milk are 100% Australian is communicated in a manner which would be understood by most reasonable consumers, and that this claim is not misleading or deceptive.

The Panel noted the complainant's concerns that the depiction of a chicken outside is misleading as the majority of chicken sold by Woolworths is farmed inside and is not free range.

The Panel noted that the advertisement depicted a chicken outside on grass and hands holding eggs. The Panel noted that the advertisement refers to a 'range of fresh eggs' and considered that most members of the community would understand that Woolworths sells free range eggs and chicken, as well as barn-raised and caged eggs and chicken. The Panel considered that most members of the target audience would not take the message from the advertisement that all chickens and eggs sold at Woolworths are free range.

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.

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