



Case Report

1	Case Number	0309/17
2	Advertiser	Coles
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a woman taking a carton of eggs from her fridge. She opens the box to check them, then as she closes the fridge door we see a lady in red singing “Down, down, prices are down” against a red backdrop. A voiceover says that one dozen Coles extra-large free range eggs are down to \$4.20 from \$4.60. In the 30 second version of the advertisement the voiceover goes on to say that each egg is just 35 cents.

THE COMPLAINT

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

I object to this over promotion of coles brand free range eggs for the simple reason they are NOT free range, with a stocking density of 10000 chickens per hectare. Advertising this falsehood during prime time (or any time) is unacceptable, for reasons of deceiving the public, bad value, and animal welfare issues.

THE ADVERTISER'S RESPONSE

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

As advised by letter, the Advertising Standards Bureau (ASB) has received a complaint about an advertisement for Coles Free Range Eggs that was screened on Channel 10 at approximately 7.45pm on 28 June 2017 (the Advertisement). The complainant objects to the promotion of Coles Free Range Eggs as they consider the product is not free range as claimed.

Coles has been asked to provide the ASB with responses to the complaints, together with certain specific material. This information is set out below.

The Advertisement

A spot report for the first week of screening of the Advertisement on television between 28 June and 4 July 2017 accompanies this letter. This provides details of the television programs in which the Advertisement appears. The audience for those programs is not predominantly children.

Substantiation of the claims and response to the complaints

Response to complaint 0309/17

The Advertisement contains claims made either orally or on pack shots that the Coles Free Range Eggs are "free range" and "from hens free to naturally roam and perch".

These claims are accurate as all Coles Free Range Eggs are sourced from facilities that comply with the definition of "free range egg" contained in the Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017 (the Information Standard). A copy of the Information Standard accompanies this letter. Clause 7 of the Information Standard states that "free range eggs" are eggs laid by hens that: (a) had meaningful and regular access to an outdoor range during daylight hours during the laying cycle; (b) were able to roam and forage on the outdoor range; and (c) were subject to a stocking density of 10,000 hens or less.

Contrary to the complaint, the Information Standard demonstrates that a stocking density of up to 10,000 hens per hectare is the commonly accepted definition of "free range eggs" in Australia. As Coles Free Range Eggs comply with this definition, Coles considers the complaint is baseless.

Pertinently, prior to publishing the Advertisement, CAD sought and was provided with confirmation the hens have meaningful and regular access to an outdoor range with a stocking of no more than 10,000 birds per hectare. CAD rated the Advertisement 'G' and issued reference numbers G4XC4RSA for the 30 second spot and G4C5RSA for the 15 second spot.

Conclusion

Coles trusts that this information demonstrates that the Advertisement fully complies with all

relevant Codes.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainants’ concerns that the advertisement is false in its suggestion that the eggs are free range.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board 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 Board noted that the advertisement shows a woman taking a carton of eggs from her fridge. She opens the box to check them, then as she closes the fridge door we see a lady in red singing “Down, down, prices are down” against a red backdrop. A voiceover says that one dozen Coles extra-large free range eggs are down to \$4.20 from \$4.60.

The Board noted the complainant’s concern that the claim that the eggs are free range is false with a “stocking density of 10 000 chickens per hectare.”

The Board noted the advertiser’s response that “the claims are accurate as all Coles Free Range Eggs are sourced from facilities that comply with the definition of “free range egg” contained in the Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017 (the Information Standard).”

Clause 7 of the Information Standard states that “free range eggs” are eggs laid by hens that: (a) had meaningful and regular access to an outdoor range during daylight hours during the laying cycle; (b) were able to roam and forage on the outdoor range; and (c) were subject to a stocking density of 10,000 hens or less.

The Board noted there is genuine community concern regarding the ethical farming of chickens and that consumer opinions reflect a high standard in regard to claims about ‘free range’.

The Board noted the advertisement refers to the dropping in price of free range eggs and

considered that the advertisement is making a statement that the eggs depicted are free range. The Board noted that there is a Standard for Free Range eggs and considered that on the basis of the advertiser's response that their free range eggs meet the requirements of this Standard, the advertisement is not misleading or deceptive in its promotion of free range eggs.

The Board considered that the advertisement did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaints.