



Case Report

1	Case Number	0342/17
2	Advertiser	Lion
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	09/08/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement was a facebook post on the Coles facebook page advertising Lion Dairy & Drinks' milk brand, Pura Light Start 2 litres for \$3.99 at Coles. The text accompanying the image was as follows: Did you know that 9 out of 10 Aussies don't get enough dairy from their diets? Grab a litre or two of Pura milk from Coles today, because with 8 essential nutrients, #milklovesyouback.

THE COMPLAINT

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

Cows milk is not beneficial for health of humans. Coles/milk brand do not cite any sources for their claim that milk is healthy. This is misleading information.

THE ADVERTISER'S RESPONSE

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

We refer to the complaint regarding a Coles Facebook post for Pura milk and set out below a response from Lion Dairy & Drinks (the manufacturer and brand owner of Pura milk) to the

complaint for consideration by the ASB Board.

Description of the Advertisement:

The advertisement is a Facebook post on the Coles Facebook page advertising Lion Dairy & Drinks' milk brand, Pura. The text accompanying the image was as follows:

"Did you know that 9 out of 10 Aussies don't get enough dairy from their diets? Grab a litre or two of Pura milk from Coles today, because with 8 essential nutrients, #milklovesyouback."

Details of where this Advertisement appeared:

The advertisement appeared on Coles Facebook page from 14 July 2017 to 16 July 2017. The advertisement is no longer running. (Please disregard the date and time on the image of the advertisement provided, which states 12 July at 23:29. This is the date and time when this advertisement was built in the back end of Facebook, but it was not made visible to the public until 14 July 2017).

Response to the complaint

The complaint received is that "Cows milk is not beneficial for health of humans. Coles/milk brand do not cite any sources for their claim that milk is healthy. This is misleading information."

The advertisement does not make any specific claim that cows milk is beneficial for the health of humans or that "milk is healthy". However, we respond as follows:

The Australian Dietary Guidelines, published by the National Health and Medical Research Council (NHMRC), recommend milk, yoghurt, cheese and/or their alternatives (mostly reduced fat) are consumed every day. The guidelines include milk, yoghurt, cheese and/or their alternatives as one of the five food groups.

The Australian Dietary Guidelines use the best available scientific evidence to provide information on the types and amounts of foods, food groups and dietary patterns that aim to:

- promote health and wellbeing;*
- reduce the risk of diet-related conditions; and*
- reduce the risk of chronic disease.*

One of the intentions of the Australian Dietary Guidelines is that they be used by food manufacturers to help Australians eat healthy diets. We are therefore confident that foods recommended for everyday consumption, like milk, are supported by the Australian Government's National Health and Medical Research Council as beneficial for the health of humans and that milk is therefore "healthy".

Substantiation of any health, nutrition or ingredient claims or statement made in the advertisement

The advertisement states that "9 out of 10 Aussies don't get enough dairy from their diets".

This statement is substantiated by one of the key findings of the Australian Health Survey:

Consumption of Food Groups from the Australian Dietary Guidelines, 2011-12 that found that only one in ten (10%) Australians aged two years and over met the recommended number of serves of dairy and alternatives . Therefore 9 out of 10 Australians aged two years and over are not getting their recommended serves of dairy and alternatives.

The Facebook post (advertisement) also makes the claim that Pura milk has “8 essential nutrients”. As the manufacturer of Pura milk, Lion Dairy & Drinks has laboratory analysis test results to substantiate that there are 8 essential nutrients contained Pura milk. These eight nutrients are also labelled in the nutrition information panel on Pura milk bottles. It is therefore an accurate presentation of nutritional values to claim that Pura milk has 8 essential nutrients and this meets the requirement of the Australia New Zealand Food Standards Code.

Whether the audience is predominantly children

This is an advertisement posted on Coles’ Facebook page. Facebook requires all members to be aged 13 years or over. Therefore the audience of this advertisement is aged 13 years or over and is clearly not marketing directed to children, or predominantly directed to children.

Does the advertisement breach Section 2 of the Advertiser Code of Ethics, namely the following:

2.1 –Discrimination or vilification

There is no discriminative language used or person/group of persons vilified.

2.2- Exploitative and degrading

There is no exploitative or degrading language used.

2.3 – Violence

There is no violent language or actions used or depicted.

2.4 -Sex, sexuality and nudity

There is no sexual content

2.5 – Language

The language used is consistent with community standards

2.6 -Health and Safety

The advertisement does not depict material contrary to prevailing community standards on health and safety. Recommending the consumption of milk, like Pura milk, is in line with the Australian Dietary Guidelines, published by the National Health and Medical Research (NHMRC), that recommend milk, yoghurt, cheese and/or their alternatives (mostly reduced fat) are consumed every day .

2.7 -Distinguishable as advertising

This Facebook post is clearly distinguishable as advertising to the relevant audience, as it is posted on the Facebook page of a major retailer of Pura milk, Coles. It encourages consumers to “Grab a litre or two of Pura milk from Coles today...” and advertises the price at \$3.99.

*<https://www.eatforhealth.gov.au/guidelines/australian-dietary-guidelines-1-5>
<https://www.eatforhealth.gov.au/guidelines/about-australian-dietary-guidelines>
<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4364.0.55.012main+features12011-12>
<https://www.eatforhealth.gov.au/guidelines/australian-dietary-guidelines-1-5>*

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 misleading in its suggestion that the milk, specifically cow’s milk is healthy.

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 features a bottle of PURA A2 light start milk and includes text that reads: “naturally contains A2 Protein, as well as A1 Protein. The Post reads: “Did you know that 9 out of 10 Aussies don’t get enough dairy from their diets? Grab a litre or two of Pura milk from Coles today, because with 8 essential nutrients, #milklovesyouback.”

The Board noted the complainant’s concern that cow’s milk is not beneficial for health of humans.

The Board noted the advertiser’s response that the advertisement does not make any specific claim that cows milk is beneficial for the health of humans or that “milk is healthy”.

The Board noted the Australian Dietary Guidelines, published by the National Health and Medical Research Council (NHMRC), and noted that in the Board’s view the guidelines form the basis of the prevailing community standards on nutritional guidelines.

The Board noted the dietary guidelines recommendation regarding the consumption of dairy:

The guidelines include milk, yoghurt, cheese and/or their alternatives as one of the five food groups. The Board noted that the complainant considers milk is not good for you, but the Board noted that Australian dietary guidelines recommend consumption of milk, and therefore the Board considered that a reference to consuming milk in the context of a broad health message was not misleading.

The Board considered that the advertisement was not making any claims that were suggesting cow's milk or any particular milk was the only or the best source of dairy.

The Board noted the advertisement states that "9 out of 10 Aussies don't get enough dairy from their diets" and that milk contains "8 essential nutrients."

The Board noted that the advertiser's response that these statements are substantiated by "findings of the Australian Health Survey: Consumption of Food Groups from the Australian Dietary Guidelines, 2011-12" and "laboratory analysis test results" to substantiate that there are 8 essential nutrients contained.

The Board considered that the advertisement did not contain information that was misleading and did not breach Section 2.1 of the Food Code.

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