



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0415-19
2. Advertiser :	Woolworths Group Limited
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

The television commercial depicts Paul Turner (Head of Produce) and Isabella Gatta (Woolworths Food Academy trainer) meeting some of the valued farmers who supply mangoes, fresh beef, barramundi and blueberries to Woolworths.

It features the voice over:

"How do you pick fresh Aussie produce?
It's starting before the sun's up
And heading home with the headlights on.
Taking off to the top end
Or taking a trip outback.
It's finding the best growing conditions and
growing relationships that last a lifetime.
Picking when it's just right
And packing it with care.
All to make sure you can get fresh produce
from some of the finest growers.
Super: Grown for Australia. Picked by Woolworths."



THE COMPLAINT

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

Miscommunication. It suggests that it is grown in Australia rather than for Australia implying home grown

THE ADVERTISER'S RESPONSE

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

Woolworths Group Limited trading as Woolworths Supermarkets ("Woolworths") takes its advertising obligations very seriously and thanks Ad Standards for the opportunity to respond to the Complaint. Please note that the Advertisement ceased airing on 9 November 2019.

The Complaint alleges that the Advertisement "suggests that it is grown in Australia rather than for Australia implying home grown." By "it", we understand that the Complaint refers to the four food products referenced in the Advertisement, being mangoes, beef, barramundi and blueberries.

Section 2.1 of the AANA Food & Beverages Advertising Code ("the Code") states that "Advertising or Marketing Communication for Food or Beverage Products 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."

According to the AANA Food & Beverages Advertising Code Practice Note ("Practice Note"), the Community Panel will consider whether the information most likely to be taken from the Advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest.

Woolworths' response

Woolworths respectfully submits that the Advertisement is truthful and not misleading or deceptive, and that the Complaint should be dismissed. The purpose of the Advertisement is to celebrate Woolworths' partnerships with its valued farmers, and to communicate Woolworths' commitment to providing Australian customers with great quality fresh produce. The Advertisement does not claim or suggest that all Woolworths products are Australian. Rather, the Advertisement accurately reflects how Woolworths partners with its farmers and suppliers to pick fresh produce with our Australian customers in mind.



Importantly, the average consumer watching the Advertisement understands that products which are “grown for Australia” are not necessarily “grown in Australia”.

As the tagline “Grown for Australia. Picked by Woolworths” conveys, Woolworths works to ensure that the fresh produce that we pick meets the expectations, tastes and requirements of the Australian market. In order to achieve this, Woolworths partners with suppliers from a variety of growing regions. This is demonstrated by the Advertisement’s depiction of Paul Turner (Head of Produce) and Isabella Gatta (Woolworths Food Academy trainer) meeting with some of Woolworths’ valued farmers. In particular, the Advertisement celebrates Woolworths’ partnerships with five farming families, being:

- Katie and Scott Lloyd from Lloyd Pastoral in Chinchilla, Queensland (beef);*
- Dan Richards from Humpty Doo Barramundi in Humpty Doo, NT (barramundi);*
- Barry Albrecht from Arnhem Mangoes in Lambells Lagoon, NT (mangoes);*
- Nino Niceforo from Berry Farms in Katherine, NT (mangoes); and*
- Harry Sohi from Boambee Berry Farm in North Boambee Valley, NSW (blueberries).*

Woolworths is proud to hero these farming families in the Advertisement. For example, the Lloyd family has been a Woolworths partner for 33 years and the Richards family was recognised as Sustainability Supplier of the Year in 2018. The inclusion of these farmers in the Advertisement reinforces the voiceover statement that our fresh produce requires “the best growing conditions and growing relationships that last a lifetime.”

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. While the Advertisement makes no specific product claims, we contend that the reasonable consumer watching the Advertisement will appreciate that Woolworths partners with many farmers from a variety of growing regions throughout Australia and around the world, and not just those depicted in the Advertisement.

Woolworths only sources 100% Australian mangoes, fresh beef and fresh barramundi. Woolworths also has an Australian-first sourcing policy in regards to blueberries, ensuring that Australian blueberries are available to customers year-round except on relatively rare occasions where local supply is insufficient to meet demand. Notwithstanding this, all mangoes, fresh beef, fresh barramundi and blueberries available at Woolworths during the campaign period in which the Advertisement was broadcast were 100% Australian.

The target audience, being primary grocery buyers, are familiar with country of origin claims and will not take away a message that all products in a Woolworths supermarket are sourced from Australia. The voiceover statement supports this by noting that these families are only “some of the finest growers” that supply Woolworths.

Accordingly, Woolworths submits that the overall impression conveyed to the target audience is that we carefully pick products for the Australian market and work with a broad range of farmers, including the five families depicted, to deliver great quality



produce. 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 submit that the Complaint should be dismissed on the basis that it does not breach any of the applicable AANA Codes. Please feel free to contact me should Ad Standards require any further information in relation to the Complaint.

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 advertisement is deceptive as it suggests that food is grown in Australia rather than for Australia, implying home grown.

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.'



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 considered that the advertisement depicted four food products – mangoes, beef, barramundi and blueberries.

The Panel noted the advertiser’s response that the advertisement clearly states “Grown for Australia”. The Panel further considered the advertiser’s response that the products depicted in the advertisement are/were Australian grown and noted the information regarding the suppliers of those products.

The Panel considered that the advertisement does not state that all food available at Woolworths is grown in Australia. However the Panel noted that the statement ‘Grown for Australia’ is accompanied by many images showing products being grown in Australia. The Panel considered that there is a strong implication that the products in the advertisement - mangoes, beef, barramundi and blueberries- are grown in Australia. The Panel considered that this implication is only for the products depicted in the advertisement and not for the broader range of products sold by Woolworths. The Panel considered that most members of the community would consider the statement “Grown for Australia” to be relevant to the particular products depicted in the advertisement.

The Panel noted the advertisers’ response that *“all mangoes, fresh beef, fresh barramundi and blueberries available at Woolworths during the campaign period in which the Advertisement was broadcast were 100% Australian.”*

The Panel considered that in the context of the specific advertisement, the claim was not misleading as the products were Australian grown.



The Panel noted however that advertisers claiming Australian origin of products must ensure that such claims are accurate at the time that the consumer will view the advertisement.

The Panel considered that the advertisement did make a claim about the product depicted in the advertisement and that this claim was not misleading at the time the advertisement was broadcast. The Panel determined that the advertisement 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.