



Case Report

1	Case Number	0451/17
2	Advertiser	Heinz
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features celebrity chef Ben O'Donoghue in an outdoor barbecue setting. Ben O'Donoghue explains that the difference between Heinz Tomato Ketchup and other varieties of tomato sauce is that Heinz Tomato Ketchup is "packed full of tomatoes... which makes it thick". He writes the words "Sauce" and "Ketchup" on a white plate, and then holds the plate up to show the sauce run down the plate while the ketchup retains its shape. The Advertisement ends with the taglines "Upgrade to Heinz" and "Thicker is Tastier".

THE COMPLAINT

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

I object to this advertising because it is misleading in that it states that the extra thickness of ketchup is the result of it containing more tomatoes whereas the more important reason for ketchup being thicker than sauce is that it is made with corn syrup, in particular High Fructose Corn Syrup (HFCS).

Advertising is supposed to be truthful and not misleading. This advertisement is not truthful because the 'extra' percentage of tomatoes in the product would not make the difference shown in the ad and it is misleading because it does not inform consumers that the difference is related to the use of corn syrup.

THE ADVERTISER'S RESPONSE

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

RE: COMPLAINT REFERENCE NUMBER 0451/17

We respond to the letter from the Advertising Standards Bureau (the Bureau) dated 4 October 2017, in which a complaint was made about the Heinz Tomato Ketchup "Thicker is Tastier" television advertisement (the Advertisement).

H.J. Heinz Company Australia Limited (Heinz) is the author of the Advertisement and the manufacturer of a number of trusted and well-loved products marketed under the Heinz brand, including Heinz Tomato Ketchup.

Heinz denies that the Advertisement is misleading or deceptive or likely to mislead or deceive, for the reasons outlined in this letter.

Details of the Advertisement

The Advertisement is a 30-second video featuring celebrity chef Ben O'Donoghue in an outdoor barbecue setting. Ben O'Donoghue explains that the difference between Heinz Tomato Ketchup and other varieties of tomato sauce is that Heinz Tomato Ketchup is "packed full of tomatoes... which makes it thick". While doing so, he uses a market-leading brand of tomato sauce to write "Sauce" and Heinz Tomato Ketchup to write "Ketchup" on a white plate, and then holds the plate up to show the sauce run down the plate while the ketchup retains its shape. The Advertisement ends with the taglines "Upgrade to Heinz" and "Thicker is Tastier".

The comparison between tomato sauce and Heinz Tomato Ketchup as represented in the Advertisement was conducted naturally and is a true representation of the two featured products.

The primary intended audience of the Advertisement is viewers aged 25-45 years, and the Advertisement is not predominantly aimed at children.

Response to complaint

Although some formulations of Heinz Tomato Ketchup, notably the formulation which is sold in the United States of America, do contain corn syrup, no corn syrup is present in any of the varieties of Heinz Tomato Ketchup sold in Australia and New Zealand. Importantly, the Heinz Tomato Ketchup which is manufactured in the Netherlands and sold in Australia, and which is the subject of the Advertisement (the Product) does not contain any corn syrup or High Fructose Corn Syrup (HFCS).

The thickness of the Product comes from the inclusion of 77% concentrated tomatoes. The Product contains 181g of tomatoes per 100mL, which equates to 905g of tomatoes in every standard 500mL bottle.

The Product does not contain any other thickeners. The only other ingredients in the Product are sugar, salt, concentrated vinegar, spice and herb extracts, and spice, none of which significantly affect the thickness of the Product. The amount of sugar present in the Product is comparable to other red sauce products in the market.

For these reasons, we believe that it is not misleading to claim that the thickness of the Product is due to the content of tomatoes.

Substantiation of thickness claim

As part of the development of the Advertisement, we conducted tests in order to verify whether the Product is in fact thicker than other tomato sauce products. We tested the

Product against the three market-leading tomato sauce brands sold in Australia. The first test we conducted is the test which is represented in the Advertisement. We used tomato sauce to write "Sauce" and the Product to write "Ketchup" on a plate, and then held the plate up to see how much each product ran down the plate. The Product consistently held its shape for longer than each of the tomato sauce products, indicating that it has a thicker consistency. We attach to this letter a video of this test being performed at our offices by Heinz employees (Annexure 4).

We also conducted viscosity testing which involved filling a tube with 200mL of each product at a controlled temperature of 25°C, and allowing the product to run down the tube for 10 seconds. The distance that each product flowed down the tube was then measured in centimetres. The results were that Heinz Tomato Ketchup flowed an average distance of 10cm, while the three tomato sauce products tested flowed average distances of 13cm, 17cm and 19cm. We attach to this letter a document outlining the results of this testing (Confidential Annexure 5).

As a result of these tests, we believe that it is not misleading to claim that Heinz Tomato Ketchup is thicker than other market-leading tomato sauce brands sold in Australia.

Other matters

We are not aware of any other matters which warrant comment from us in relation to the AANA Code of Ethics or other related advertising codes.

We note that Annexures 3 and 5 have been provided confidentially for the sole purpose of providing a response to the Bureau in relation to this complaint. The contents of these documents must not be released to the public without prior consent from Heinz. Please do not hesitate to contact us if you require any further information.

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 ketchup is thicker than sauce due to the addition of corn syrup and not more tomatoes.

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 Ben O'Donoghue – celebrity chef discussing the difference between Heinz tomato ketchup and tomato sauce. Ben writes the words ketchup and sauce on a plate. When he holds the plate up, the sauce writing slips down the plate. Ben states that the ketchup is “packed full of tomatoes which makes it thick.”

The Board noted the complainant's concern that the advertisement is misleading as it is the addition of corn syrup that makes the product thick.

The Board noted the advertiser's response that:

“Although some formulations of Heinz Tomato Ketchup, notably the formulation which is sold in the United States of America, do contain corn syrup, no corn syrup is present in any of the varieties of Heinz Tomato Ketchup sold in Australia and New Zealand. Importantly, the Heinz Tomato Ketchup which is manufactured in the Netherlands and sold in Australia, and which is the subject of the Advertisement (the Product) does not contain any corn syrup or High Fructose Corn Syrup (HFCS).

The thickness of the Product comes from the inclusion of 77% concentrated tomatoes. The Product contains 181g of tomatoes per 100mL, which equates to 905g of tomatoes in every standard 500mL bottle. The Product does not contain any other thickeners.”

The Board noted there is genuine community concern regarding the truthful representations of products and in particular food products.

The Board noted that the overall impression from the advertisement is that ketchup is thicker than sauce is thick due to the addition of tomatoes. The Board considered that the explanation of the advertiser clearly explains the ingredients of the product and supports the claim made in the advertisement.

In the Board's view, most members of the community would relate to the differences between ketchup and sauce and would recognise that one of the identifiable differences is the consistency of the product.

In the Board's view the advertisement was not misleading or deceptive or otherwise contravene prevailing community standards, and did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code or any other grounds the Board dismissed the complaint.