



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0515/18
2	Advertiser	Munchkin Inc
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/12/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features scenes of cows roaming free and states that the product is made from Grass Fed cows milk.

THE COMPLAINT

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

The ad shows cows roaming free and the manufacturer is saying their formula is 100% grass fed cows. But it's insinuating that the cows shown are the cows that the milk is from. When in actual fact the milk comes from cows that are mass produced and are used and abused. They are impregnated with a rape tools and are not happy and free roaming cows as per portrayed.

Because it's not true. It's selling a lie. We need to know the truth.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

The complaint states: “The ad shows cows roaming free and the manufacturer is saying their formula is 100% grass fed cows. But it’s insinuating that the cows shown are the cows that the milk is from. When in actual fact the milk comes from cows that are mass produced and are used and abused. They are impregnated with a rape tools and are not happy and free roaming cows as per portrayed.”

The complaint received is not accurate for the following reasons:

1. The cows shown in the ad are in fact cows that the milk in Munchkin’s Grass fed Infant Formula comes from. See Synlait’s confirmation attached (Appendix 2).

2. The cows are 100% grass fed as defined by the Munchkin Grass Fed Standards that is audited by a 3rd Party (Assure Quality) and certified through ISO 17065. This ensures that the 3rd party is able to conduct audits against the Munchkin Grass Fed Standards for compliance (Appendix 2).

3. The cows are roaming free as portrayed. Contracted dairy farms sign the Grass Fed Supplied Handbook indicating that they agree to the standard that all dairy cows live and graze free-range year-round (365 days/year) with daily access to pastures except for illness of environmental concerns (as stated in the Grass Fed Standard).

We include for consideration:

Appendix 1 – Substantiation of any health, nutrition or ingredient claims or statements in the advertisement, including the Munchkin Grass fed Standards.

Appendix 2 – Letter from Synlait confirming that all farms shown in the TVC are farms from which the Munchkin 100% Grass Fed milk is sourced; Copy of the Munchkin Grass Fed Standards to which all farms must adhere; Copy of the AssureQuality Grass fed Standard certificate.

THE DETERMINATION

The Ad Standards Community Panel (“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 advertisement is misleading.

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

The Panel noted that the product advertised is baby formula 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.'

The Panel noted the television advertisement states that the formula is produced with 100% grass fed cows. The Panel noted the complainant's concern that the advertisement is misleading as the milk comes from cows that are mass produced and are abused.

The Panel noted the advertiser's response that the cows used in the advertisement are the same cows that are used in production of the formula, and that those cows are 100% grass fed. The Panel considered the evidence that the advertiser provided in support of this and agreed that the material provided supported the description of the product as being produced from 100% grass fed cows. The Panel noted that concerns about reproductive techniques of cow breeding are not relevant as this is not an issue raised in the advertisement.

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

Finding that the advertisement did not breach the Food Code on any other grounds the Panel dismissed the complaint.

