



Case Report

1	Case Number	0534/16
2	Advertiser	Sanitarium Health and Wellbeing
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television commercial depicts a woman opens a fridge door and taking a bottle of So Good Almond Milk out. A voiceover asks “Is So Good Almond Milk the better milk for you?” The Product is shown with the text ‘Dairy Free’. The woman pours the product into a blender over berries and drinking a smoothie. The voice over says, “It’s dairy free and full of calcium.” The text “Full of calcium” is shown next to the blender.

A series of colourful depictions of the almond milk and almond milk products are shown in front of bright coloured backgrounds. The voice over states “So Good Almond Milk is packed with vitamins and unsweetened varieties have no added sugar. So start your day the better way. And make today So Good.” Text on the screen states “So Good unsweetened varieties contain no added sugar.”

THE COMPLAINT

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

They stated that Almond Milk is high in Calcium. It's not. Incorrect statement.

THE ADVERTISER’S RESPONSE

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

To the specific complaint raised, Sanitarium can confirm that all So Good Almond milk varieties are high in Calcium, containing 300mg or 37% of the recommended daily intake (RDI) of Calcium per 250ml serve.

According to Std 1.2.7, to claim a high source of calcium, the food must contain at least 25% of the RDI of Calcium per serving. The advertised product and all So Good Almond milk varieties satisfy this claim.

In addition, with relation to all nutrition and ingredient statements within the advertising, these can be substantiated as follows:

The above So Good TVC contains the following nutrition claims, which are regulated under the ANZ Food Standards Code;

(i) `Dairy FREE` - all So Good Almond milk varieties are free of dairy by formulation and also due to allergen management controls and verification in place

(ii) `Full of calcium` - all So Good Almond milk varieties are high in Calcium, containing 300mg or 37% of the recommended daily intake (RDI) of Calcium per 250ml serve.

According to Std 1.2.7, to claim a high source of calcium, the food must contain at least 25% of the RDI of Calcium per serving.

(iii) Packed with Vitamins B12, B2 and E` - all So Good Almond milk varieties are high in Vitamins B12 and B2, containing 1µg (equating to 50% of the RDI) of B12 and 0.43mg (equating to 25%) of the RDI) of B2 per 250ml serve. According to Std 1.2.7, to claim a high source of B12 and B2, the food must contain at least 25% of the RDI of these Vitamins per serving. All So Good Almond varieties also contain a natural source of vitamin E, with 1.5mg (comprising 15% of the RDI) per 250mL serving.

(iv) `Unsweetened varieties have No added sugar` - all So Good Unsweetened Almond milk varieties have no added sugar, containing 0g of added sugar per 100mL. According to Std 1.2.7, to claim no added sugar, products need to contain no: hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose; starch hydrolysate; glucose syrups, maltodextrin and similar products; products derived at a sugar refinery, including brown sugar and molasses; icing sugar; invert sugar; fruit sugar syrup; honey, malt, or malt extracts; concentrated fruit juice or deionised fruit juice

This is based on product which is currently in manufacture and is being distributed in the Australian marketplace.

With consideration to the matters of AANA Code of Ethics:

Discrimination or vilification - we do not believe that this advertisement is a breach in this area

Exploitative and degrading - we do not believe that this advertisement is a breach in this area

Violence - we confirm that no violence is depicted within this advertisement

Sex, Sexuality and Nudity - we confirm that these issues are not represented within this advertisement

Language - we confirm that no questionable or unsavoury language has been used within this advertisement

Health and safety - we do not believe that this advertisement is a breach in any matters of health and safety

This advertising is not directed at children and our media buying instruction is to avoid children's programming.

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 complainant’s concerns that the advertisement states that almond milk is high in calcium when it is not.

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 television advertisement promotes So Good Almond Milk and makes the claim that it is full of calcium.

The Board noted the advertiser’s response that this product contains 37% of the recommended daily intake of calcium per 250ml serve and that this complies with the requirements of the Australian and New Zealand Food Standards Code for claiming a high source of calcium.

The Board considered that while almond milk may not be a natural source of protein, this particular brand of almond milk does have calcium added to it. The Board considered the advertisement only makes claims about the calcium content of this product and not of all almond milk. The Board noted that the advertisement did not claim that the calcium was naturally present in the almond milk product. The Board considered that the claim that the advertised product was high in calcium could not be considered misleading.

Based on the above the Board considered that the advertisement was not 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.