

<b>COMPLAINT NUMBER</b>	17/255
<b>COMPLAINANT</b>	A Thatcher
<b>ADVERTISER</b>	Tegel Foods Ltd
<b>ADVERTISEMENT</b>	Tegel Foods Ltd, Digital Marketing
<b>DATE OF MEETING</b>	22 August 2017
<b>OUTCOME</b>	Not Upheld

## **SUMMARY**

The Tegel website advertises its poultry meat as being 'Cage Free' and with 'No Added Hormones'.

The Complainant was concerned that Tegel's advertising was misleading by emphasising the cage free chicken and no added hormones messages, when these statements are true for all New Zealand raised poultry meat.

The Complaints Board agreed that the Advertiser, as well as several of its competitors, were incorporating these statements into their advertising in order to dispel misconceptions about how poultry meat is raised in New Zealand.

The Complaints Board said there was no apparent commercial advantage being gained by the Advertiser and no breach of the Code for Advertising Food.

The Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to Principles 1 and 2 and Guideline 2(a) of the Code for Advertising Food. This required the Complaints Board to consider whether all nutrient, nutritional or health claims in the advertisement were factual, not misleading and able to be substantiated or whether by implication, omission, ambiguity or exaggerated claim would mislead or deceive consumers, abuse the trust or exploit the lack of knowledge of consumers. The Complaints Board noted Principle 1 required food advertisements be prepared with a due sense of social responsibility to consumers and society.

**The Complaints Board ruled the complaint was Not Upheld.**

**The Complaint**

The Complainant was concerned that Tegel's advertising was misleading by emphasising the cage free chicken and no added hormones messages, when these statements are true for all New Zealand raised poultry meat.

**The Advertiser's Response**

The Advertiser responded to explain the decision to include educational messaging around the cage free and no added hormone statements. It explained the need to dispel widely held misconceptions about the use of cages and growth hormones in the production of poultry in New Zealand. The Advertiser highlighted the fact that its competitors also make use of these statements in their advertising and/or packaging.

**The Complaints Board Discussion**

The Complaints Board began by confirming that, as mentioned by the Complainant, the Advertising Standards Authority does not have jurisdiction over the packaging of products. Because the website advertisement reiterates the same message of no caged chickens or added hormones, the Complaint Board agreed to rule on the website advertising.

The Complaints Board discussed the consumer take-out of the advertisement and agreed it was that Tegel chickens are raised cage free and have no hormones added. It noted that the 'Cage Free' and 'No added Hormones' declarations were a statement of the industry wide position on raising poultry meat and were factual claims.

The Complaint's Board then considered whether the inclusion of this wording implied there was something unique about Tegel products, when in fact no hormones are used in the production of New Zealand poultry and no chickens are raised in cages. The Complaints Board acknowledged that Tegel's largest competitor, Inghams, also mention 'No added hormones' on their website advertising and a variety of their packaging states 'No Caged Chickens'. In addition, two further competitors, Turks and Brinks, address the hormone issue in the FAQ section of their websites.

The Complaints Board agreed that as a result of heightened media awareness around cagefree eggs, there was justification for a poultry advertiser to want to provide an educational perspective on this issue in order to dispel any misconceptions amongst consumers. The Complaints Board agreed the Advertiser did not appear to be seeking any commercial advantage by presenting these statements and were not the only poultry company making these claims.

Therefore, the Complaints Board said the advertisement was not likely to mislead or deceive consumers and had been prepared with a due sense of social responsibility. The Complaints Board ruled the advertisement was not in breach of Principles 1 and 2 and Guideline 2(d) of the Code for Advertising Food.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

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**DESCRIPTION OF ADVERTISEMENT**

The Tegel website promotes a range of Tegel products and states "Fresh cage free New Zealand chicken which is healthy, fast and easy to cook. Use it in your favourite recipes such as stir-fries, curries, casseroles and salads. No added hormones and 100% New Zealand raised."

## COMPLAINT FROM A THATCHER

Tegel is advertising its standard meat chicken as "Cage Free". This is somewhat misleading as no meat chickens are raised in cages in NZ (they are raised in high density barns which have their own set of welfare concerns). The words appear in large capital letters; in smaller letters the packaging states (as does the website) "No added hormones". The use of hormones in chickens is illegal in NZ.

I first saw this in a New World supermarket 2 weeks ago and pointed out to the management such statements were misleading and that Tegel was in all likelihood attempting to gain a commercial advantage over competitors whose welfare standards were no different from Tegel's. My contention had been borne out by a customer who happened to be standing next to me at the meat refrigerator - I pointed out the labeling was misleading and her reaction was "oh, I'll try it anyway" and took one off the shelf.

I was subsequently contacted by New World after submitting a comment on their website. I was told Tegel would be contacted and they would get back to me. This has so far not occurred.

I realise packaging complaints are beyond your jurisdiction, but in this case the same advertising appears on Tegel's website.

## CODE FOR ADVERTISING FOOD

**Principle 1:-** All food advertisements should be prepared with a due sense of social responsibility to consumers and to society. However food advertisements containing nutrient, nutrition or health claims\*, should observe a high standard of social responsibility.

**Principle 2:** - Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive consumers, abuse the trust of or exploit the lack of knowledge of consumers, exploit the superstitious or without justifiable reason play on fear.

**Guideline 2(a):** All nutrient, nutritional and health claims should be factual, not misleading, and able to be substantiated. Claims should comply with the Food Standards Code\*.

## RESPONSE FROM ADVERTISER: TEGEL LTD

A basic, neutral description of the advertisement	Product Packaging and Statement on Tegel Website and some Tegel branded trucks stating that Tegel Chicken is Cage Free and has No Added Hormones
Date advertisement began	Packaging roll out August 2016 Website launch November 2016 Trucks roll out November 2016
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Packaging Website

	Trucks
Is the advertisement still accessible – where and until when?	Yes these statements are on all Tegel packaging, on the website and on some Tegel branded trucks
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	<a href="http://www.tegel.co.nz/products/tegel-tempura-battered-chicken-nuggets-1kg/">http://www.tegel.co.nz/products/tegel-tempura-battered-chicken-nuggets-1kg/</a> Example above of where messaging appears on website and on packaging.  Please also see attached a copy of the cage free logo and a photo of one of the Tegel branded trucks
Who is the product / brand target audience?	Household shoppers aged 25-54
Clear substantiation on claims that are challenged by the complainant.	<p>There are popular misconceptions among consumers that meat chickens are raised in cages and that they are given growth hormones. This is evidenced by:</p> <ol style="list-style-type: none"> <li>1. The Poultry Industry Association of New Zealand (PIANZ) website;</li> <li>2. The packaging and/or websites of the other 3 main New Zealand chicken manufacturers (excluding Tegel); and</li> <li>3. Tegel's own research.</li> </ol> <p>1. PIANZ has a page on its website specifically addressing poultry industry misconceptions including those around the use of cages and hormones and a separate page that states that all New Zealand meat poultry is cage free and has no added hormones (<a href="https://pianz.org.nz/news/myths-legends/growth-hormones-are-used-in-the-nz-poultry-industry/">https://pianz.org.nz/news/myths-legends/growth-hormones-are-used-in-the-nz-poultry-industry/</a>).</p> <p>2. The other 3 main New Zealand chicken manufacturers all deal with these matters in their packaging and/or their website. Inghams, for example (Tegel's largest competitor), states on their packaging that their products are cage free and contain no added hormones. They also state on their website that their products contain no added hormones (<a href="http://ingham.co.nz/products/">http://ingham.co.nz/products/</a>). In addition, both Turks' and Brinks' FAQs pages deal with questions around added hormones and whether the birds are raised</p>

	<p>in cages (<a href="http://brinks.co.nz/faqs">http://brinks.co.nz/faqs</a> and <a href="http://turkspoultry.co.nz/questions.html">http://turkspoultry.co.nz/questions.html</a>)</p> <p>Turks' questions and answers page, for example, states that "Advertising on chicken packaging that claims 'no added hormones' is stating an industry-wide position, not implying that someone else does add hormones."</p> <p>3. As part of its brand refresh in 2016, Tegel carried out research amongst consumers and that research confirmed that some consumers still believe that chickens bred for meat consumption are raised in cages and that growth hormones are added (to make chickens grow faster and/or produce more meat).</p> <p>The belief around birds being caged was likely reinforced by media coverage in recent years around the welfare of some egg laying birds being raised in cages. It seems that some consumers associate the same conditions with birds raised for meat due to factors including a lack of consumer education.</p> <p>To address these commonly held misconceptions, educational messaging including "cage free", "no added hormones" and "100% New Zealand raised" were incorporated into packaging, trucks and media as part of our brand redesign in 2016.</p> <p>Tegel continues to monitor educational effectiveness through research. This messaging is resonating positively with New Zealand shoppers and consumers.</p> <p>Tegel believes such educational messaging is important to dispel misconceptions regarding animal health and welfare in New Zealand.</p>
<p>What platform tools have you used to target your audience?</p>	<p>Digital display campaign in November 2016 landed people on the Tegel website homepage. Campaign duration 4 weeks.</p>