

<b>COMPLAINT NUMBER</b>	17/284
<b>COMPLAINANT</b>	D Kinnoch
<b>ADVERTISER</b>	Fruitlife NZ
<b>ADVERTISEMENT</b>	Fruitlife NZ, Out of Home
<b>DATE OF MEETING</b>	21 August 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The menu board advertisement for Fruitline Hong Kong Desserts shows a variety of dessert options and makes the claim on the Mango Mein Mein Ice product that it is "the best tasted ice flakes on earth."

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, D Kinnoch, said:** I find the description of the Mango Ice Dessert as having 'the best tasted ice flakes on earth' as being misleading, as it is highly unlikely that the retailer has compared their dessert ice flakes to every single other ice flake on the planet, and undertaken the full research necessary to make this claim.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2; Code for Advertising Food - Guideline 2 (c), Principle 1, Principle 2.**

**The Chair** noted the Complainant's concern that the advertisement made misleading claims about its product being the best tasted on Earth.

The Chair referred to a precedent Decision, (17/049), which dealt with a similar issue of hyperbolic food claims and was ruled to have No Grounds to Proceed. That decision said in part:

"The Chair said the tone of the advertisement was clearly humorous and relied on the use of hyperbole. Under Guideline 2(c) of the Code for Advertising Food, it says Food advertisements containing obvious hyperbole, identifiable as such by the intended audience are not considered misleading."

The Chair confirmed that the above Decision applied to the complaint before her and ruled the advertisement was a case of obvious hyperbole, as no one would expect that every ice dessert in the world had been tried as a comparison.

Therefore, the Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach of Basic Principle 4 or Rule 2 of the Code of Ethics or Principle 1 and Principle 2 Guideline 2(c) of the Code for Advertising Food.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling: Complaint No Grounds to Proceed**