

COMPLAINT NUMBER	17/420
COMPLAINANT	K Biggs
ADVERTISER	Goodman Fielder
ADVERTISEMENT	Goodman Field, Digital Marketing
DATE OF MEETING	12 December 2017
OUTCOME	Not Upheld

SUMMARY

The Goodman Fielder website contains an animal welfare section stating it supports the Dairy Industry and the Ministry of Primary Industries (MPI) in monitoring and enforcing Codes of Practice around the ethical treatment of animals.

The Complainant said the Advertiser made claims about their animal welfare policies which were unsubstantiated.

The Complaints Board was satisfied with the level of substantiation provided in the Advertiser's response which outlined the measures taken to monitor their suppliers' compliance with the Codes of Practice associated with animal welfare.

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 Basic Principle 4 and Rule 2 of the Code of Ethics

The Complaints Board ruled the complaint was Not Upheld

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement was likely to mislead or deceive consumers by exaggerated claim, omission or ambiguity and whether the advertisement had been 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 said the Advertiser made claims about their animal welfare policies which were unsubstantiated.

The Advertiser's Response

The Advertiser provided details of the measures it takes to assist in the monitoring and enforcing of Codes of Practice around the ethical treatment of animals. These included supplier management programmes and participation in industry forums.

The Complaints Board Discussion

The Complaints Board began by confirming it considered the information featured on the Advertiser's website was an advertisement, given that it highlighted a point of difference with its commitment to animal welfare within its supply chain which gave the website a promotional intent.

The Complaints Board said the substantiation provided by the Advertiser detailed the involvement it has in the monitoring and enforcement of animal welfare policies, including the regular reviews of supplier compliance with policies set by the industry. The Advertiser confirmed that animal welfare issues featured in quarterly business review agendas with suppliers. The Advertiser also participated in a number of industry forums and is represented on the Dairy Companies Association of New Zealand (DCANZ) Board.

The Complaints Board noted that commercial sensitivities prevented the Advertiser from providing specifics about their supply management programme and said it would not expect that level of detail to be disclosed.

The Advertiser clarified its monitoring involvement was not a physical enforcement role. The Complaints Board did not consider there was any implication on the website that the Advertiser was claiming to physically enforce animal welfare codes of practice.

The Complaints Board was unanimous in its view 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 Basic Principle 4 and Rule 2 of the Code of Ethics.

Accordingly, the Complaints Board ruled to not uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The website advertisement for Goodman Fielder states "Goodman Fielder takes animal welfare seriously and supports the Dairy Industry and MPI in monitoring and enforcing Codes of Practice around the ethical treatment of all animals. While Goodman Fielder is not involved in the collection of milk from Dairy Farms directly, we require our suppliers to have appropriate programs in place. Our supplier management program conducts regular reviews of supplier compliance to these requirements and have confidence in the integrity of our milk supply."

COMPLAINT FROM K BIGGS

Unsubstantiated Claims of Animal Welfare Policies by Goodman Fielder.

I would like to bring your attention to what appears to be unsubstantiated claims by Goodman Fielder on their website, regarding their animal welfare policies.

<http://goodmanfielder.com/sustainability-environment/animal-welfare/>

In the attached screen snip, Goodman Fielder claims: "Goodman Fielder takes animal welfare seriously and supports the Dairy Industry and MPI in monitoring and enforcing Codes of Practice around the ethical treatment of all animals. While Goodman Fielder is not

involved in the collection of milk from Dairy Farms directly, we require our suppliers to have appropriate programs in place. Our supplier management program conducts regular reviews of supplier compliance to these requirements, and has confidence in the integrity of our milk supply.”

I first emailed Goodman Fielder’s customer service, via their website, on 17/10/17 to ask the following questions about their supplier management program, as per attached screen snip of that email –

I received a reply which stated that my enquiry had been forwarded to the technical team. After three further emails to ask about progress on this, and promises from the customer service person to follow up with the technical team, I received a reply on 7/11/17, as per attached screen snip.

The evasiveness of the above response from Goodman Fielder, and the length of time it took to get it, seems to indicate that they do not have a supplier management program which conducts regular reviews of supplier compliance to the codes of practice around the ethical treatment of animals, in spite of their claims. They claim that their commitment and position is clear around animal welfare, as referred to on their website statement, however, to me it is only clear that they are making a broad claim to having animal welfare policies, but that these claims have no substance.

Goodman Fielder’s animal welfare statement on their website is intended to influence the choice, opinion or behaviour of those to whom it is addressed. However, despite multiple requests to do so, Goodman Fielder have failed to substantiate these claims. Therefore it is probable that what Goodman Fielder considers taking “animal welfare seriously” may not align with what consumers consider animal welfare.

As no evidence regarding their animal welfare policy has been forthcoming, it is likely Goodman Fielder may be in breach of (but not limited to) the Advertising Code of Ethics Basic Principle 3:

No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer.

And the Advertising Code of Ethics, Rule 2, which states:

Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge.

In particular:

1. Goodman Fielder state that they support the “the Dairy Industry and MPI in monitoring and enforcing Codes of Practice around the ethical treatment of all animals”, but have omitted the specifics of their claims regarding what support they offer, and how they implement this in Goodman Fielder’s supply chain.
2. Goodman Fielder state on their website that their “supplier management program conducts regular reviews of supplier compliance”, but have used ambiguous terms such as supplier compliance which give no information to the consumer regarding what constitutes ‘compliance’, or what is specifically being complied to.
3. Goodman Fielder state that it “conducts regular reviews” but have not substantiated what is meant by ‘regular’.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 2: Truthful Presentation - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

RESPONSE FROM ADVERTISER – GOODMAN FIELDER NZ LTD

Thank you for your letter dated 27 November 2017 regarding the complaint received from concerning Goodman Fielder New Zealand Limited's (GF) website statements regarding animal welfare (**Complaint**). We understand that the Complaint relates to:

- the statement, '*Goodman Fielder takes animal welfare seriously and supports the Dairy Industry and MPI in monitoring and enforcing Codes of Practice around the ethical treatment of all animals. While Goodman Fielder is not involved in the collection of milk from Dairy Farms directly, we require our suppliers to have appropriate programs in place. Our supplier management program conducts regular reviews of supplier compliance to these requirements, and has confidence in the integrity of our milk supply (Statement)*' as used on GF's corporate website; and
- perceived 'evasiveness' which the Complainant considers 'indicates that they do not have a supplier management program...'

GF is confident of the accuracy and appropriateness of the Claims. The Claims do not breach Principle 4 of the Code because they do not mislead or deceive consumers.

In summary:

- While Goodman Fielder is not involved in the collection of milk from Dairy Farms directly, we require our suppliers to have appropriate programs in place. Our supplier management program conducts regular reviews of supplier compliance and we have confidence in the integrity of our milk supply.
- GF requires flexibility in its program to address issues most relevant to each supplier. Program implementation can vary between contractual terms, quality auditing, official assurances and business reviews. That said, matters relating to animal welfare are on our quarterly business review agendas with suppliers.
- While we are disappointed to hear that the Complainant considers GF's response 'evasive', GF is not in a position to share these materials as they can contain commercially sensitive information.
- In addition, Goodman Fielder participates in a number of industry forums where animal welfare is addressed. Goodman Fielder is a DCANZ member, and is also represented on the DCANZ Board. Animal welfare is an industry performance in animal welfare is monitored through this forum. The following link is a media release demonstrating this: <https://www.dcanz.com/news/media-release-dairy-industry-supports-change-in-animal-welfare-code/>

- The Statement on our website confirms GF's support for industry practice. This support is not physical, which is clear from the statement i.e. GF is not claiming that we physically monitor and enforce the Codes of Practice around the ethical treatment of all animals; this is MPI's role. GF is also alerted by MPI if there are any significant animal welfare breaches through the various forums we are engaged in.

GF takes this matter, and its compliance with applicable ASA codes seriously, however we do not consider that the Statement of GF's conduct breach Principle 4 of the Code as suggested by the Complaint for the reasons set out above.

GF invests substantial resources, and has in place robust internal review processes, in an effort to ensure that the advertisements for which it is responsible comply with all applicable ASA codes (including the Code for the Advertising of Food, trade practices legislation and Food Standards Australia and New Zealand Food Standards Code.

GF would be happy to further discuss any aspect of this response or provide further information. We otherwise trust that this information addresses any concerns that the Complaints Board may have.