

COMPLAINT NUMBER	20/129
ADVERTISER	Foodstuffs South Island
ADVERTISEMENT	New World, In-store
DATE OF MEETING	16 April 2020
OUTCOME	Settled Advertisement removed

Advertisement: An in-store banner advertisement is headed "Common baby feeding problems" and lists different feeding problems including Digestion, Cow's Milk Allergy and Lactose Intolerance. The advertisement has information on types of formula which may be suitable to help manage those issues, for example: "for sensitive tummies, look for a partially broken down formula." The advertisement includes the New World Supermarket logo.

The Chair ruled the complaint was Settled.

Complaint: Seen in New World Centre City Dunedin store on 17/03/2020 in vicinity of infant formula.

Appears to be an advertisement for use of infant feeding formulas, in particular more expensive types of formula. I understand it may not meet the strict definition of advertisement but I believe the intent was to use the sign to sell more infant formula.

Presented under guise of medical advice, but medical/ scientific content is inaccurate, and does not advise seeking advice of healthcare professional.

As a doctor, I find this to be an inappropriate and irresponsible way to market infant formula, and colleagues I have consulted feel similarly.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(b);

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Advertiser, Foodstuffs Limited, said;

We wish to settle this complaint. We advise that the signage referred to in the complaint has been removed from the store and the signage will not be used again.

However, we would like to note the following:

1. We do not consider the signage to constitute advertising. The signage is not linked to and does not promote any brand or product. It does not and is not intended to influence choice, opinion or behaviour.
2. The content was put together by an overseas third party supplier. We have been advised and accepted in good faith, that the content had been subject to legal and regulatory review and does not contain any inaccuracies.
3. The signage has been up for over a year with no prior complaints.
4. Prior to and separately to this, amendments had been made to the signage to include reference to seeking advice from a healthcare professional.

The Chair noted the Complainant's concerns the advertisement was misleading and not socially responsible.

The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaint.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the matter was Settled.

Chair's Ruling: Complaint **Settled**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.