

COMPLAINT NUMBER	16/345
COMPLAINANT	N. Orłowski
ADVERTISER	Progressive Enterprises Limited
ADVERTISEMENT	Countdown Television
DATE OF MEETING	25 October 2016
OUTCOME	Not Upheld

SUMMARY

The television advertisement for Countdown promoted a recipe for Cajun Chicken Tortillas. The advertisement showed the audience how to select the ingredients from the Countdown store and how to cook the meal. The advertisement finishes with the tag line “feed four for \$15” and the website www.countdown.co.nz for more information.

The Complaints Board noted the concerns from the Complainant that the advertisement was misleading and not socially responsible due to “to be lack of any sort of understanding of nutrition although the cook happily declares how it's a perfectly nutritious balance.”

The Complaints Board said the response from the Advertiser addressed all the concerns that the Complainant had raised and provided sufficient evidence to support the claims in the advertisement such as the “feed four for \$15”.

The Complaints Board ruled to Not Uphold the complaint.

[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 Principle 1 and 2 of the Code for Advertising Food. This required the Complaints Board to consider whether the advertisement by implication, omission, ambiguity or exaggerated claim was likely to mislead or deceive consumers and whether it had been prepared with a due sense of social responsibility to consumers and society.

The Board also needed 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 contained any statement or visual representation that was likely to mislead or deceive the consumer and whether it had been prepared with a due sense of social responsibility to consumers and society.

The Complaints Board noted the concerns from the Complainant that the advertisement was misleading and not socially responsible. They said in part:

“It has come to my attention that your advertising targeted at families on a budget requires a closer look. It seems the purpose of the advertising campaign is to create dinner, for 4, for under \$15. The method is to have a cook to describe & demonstrate how.

However, your greatest ingredient seems to be lack of any sort of understanding of nutrition although the cook happily declares how it's a perfectly nutritious balance. The menu choices seem to be more suited to: food you crave after a night out on the booze. Kebabs & tortillas. You also seem to misunderstand how fresh food works. Anyone in the business of food will tell you to buy seasonal produce for both freshness & affordability.”

The Complaints Board ruled the complaint was Not Upheld.

The Complaints Board turned to the response from the Advertiser, Progressive Enterprises and noted where it stated in part: “We believe that the FFF\$15 programme provides people in the community, with quick, tasty, healthy recipe ideas, for under \$15, based on a serving of four. We have engaged independent experts to design the recipes. Should people want to understand how each recipe is costed, the Countdown website contains a full breakdown of this and the website is referred to clearly within each FFF\$15 television advertisement.”

The Complaints Board noted the response from the Commercial Approvals Bureau (CAB), which said, in part: “Substantiation from the advertiser clearly shows that this recipe costs under \$15 to prepare.”

The Advertiser also said:

“The cost of each meal is calculated on the actual quantity or portion of each ingredient used in the recipe, not the whole ingredient. Prices for this season are based on the normal shelf price (non —promotional price) of each portion as at 25 July 2016. The costings for all (new and existing) recipes are updated before each new season of FFF \$15 goes to market and any recipes that are costed over \$15 are removed from the FFF \$15 programme (including the website).”

The Complaints Board said the response from the Advertiser addressed all the concerns that the Complainant had raised and there was sufficient evidence supplied for the Advertiser to make the claims in the advertisement such as the “feed four for \$15”.

The Advertiser also said in part:

“Despite the complainant's assertion, we do not specifically make any claim about any specific nutritional qualities of the meals in any of the television advertisements referred to. Despite that, we appreciate that the general implication of the advertisements, and one of our key goals in the FFF\$15 programme, is that the meals will be balanced and nutritious. We absolutely stand by that message.

To support this view, please note that the NZ Nutrition Foundation supply 'Just Cook kits' to community groups who then help and educate people about cooking and healthy eating. In May this year, the Foundation included the FFF\$15 recipe cards within these kits.”

Taking the above into account, the Complaints Board agreed the advertisement was not likely to mislead consumers and had been prepared with a due sense of social responsibility to consumers and society. The Complaints Board ruled the advertisement was not in breach of

Basic Principle 4 or Rule 2 of the Code of Ethics or Principle 1 or 2 of the Code for Advertising Food.

Accordingly, the Complaints Board ruled to Not Uphold the complaint

DESCRIPTION OF ADVERTISEMENT

The television advertisement for Countdown featured the recipe for Cajun Chicken Tortillas. The advertisement showed the audience how to select the ingredients from the Countdown store and how to cook the meal. The advertisement finishes with the tag line "feed four for \$15" and tell you go on the website www.countdown.co.nz for more information.

COMPLAINT FROM N. ORLOWSKI

I wrote the following to Countdown. I'm assuming this is not the first complaint you have received. I think this matter requires action & I'm hoping you see the same. It has come to my attention that your advertising targeted at families on a budget requires a closer look. It seems the purpose of the advertising campaign is to create dinner, for 4, for under \$15. The method is to have a cook to describe & demonstrate how.

However, your greatest ingredient seems to be lack of any sort of understanding of nutrition although the cook happily declares how it's a perfectly nutritious balance. The menu choices seem to be more suited to: food you crave after a night out on the booze. Kebabs & tortillas. You also seem to misunderstand how fresh food works. Anyone in the business of food will tell you to buy seasonal produce for both freshness & affordability.

Your snappy little ads appear to be in the category of snack food, not complete meals as you suggest. Your current string of ads are suggesting now is the time to buy capsicums, red onions & tomatoes. Those 3 items, by weight, are the most expensive items to buy at this time of the year.

There is something unnecessary & shameless about your advertising campaign. It by no means gives good advise or healthy messages to real people who are really on a budget. It lacks any sort of morality that a community on a budget desires. It shows a complete lack of food knowledge. It doesn't even provide complete meals. In fact it should not be allowed. You are pretending to be an advisory on a subject you know nothing about and what's more you don't appear to care. Giving poorly researched advise to poorer people in our communities is perhaps as low as any corporate citizen can go.

You are telling people what to buy for their families under the pretence that a whole family of 4 will eat dinner for under \$15. I say that's a lie. To top it, (who would have thought shame could run this deep), you direct them to the most expensive items. Tomatoes! Capsicum! You are not providing a service at all despite the presumption your ads allude to.

This campaign is a social disservice. It is a blatant lie. It is absolutely shameless. It's about time big corporations treated the people that feed their wealth, fairly & with respect. If you cared about your customer on a budget & you knew something about food you would desist with this campaign. Families that need the most assistance in this matter would in fact do better by not following your current model of advertising, that's the shame of it.

I'm hoping on reading this you see your part in the community differently & will consider your actions & their place in people's homes. Ideally I'd like to see the end of this advertising campaign. If you could provide me with the name of the art director & company responsible I would like to forward this letter to them, too.

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).

CODE FOR ADVERTISING OF FOOD

Principle 1 - All food advertisements should be prepared with a due sense of social responsibility to consumers and to society. However 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

RESPONSE FROM ADVERTISER, PROGRESSIVE ENTERPRISES LIMITED

Thank you for your letter dated 26 September 2016, regarding a complaint made about our Feed Four for \$15 ("FFF\$15") television advertisements.

Introduction to "Feed Four for \$15"

The FFF\$15 programme is designed to provide affordable meal ideas for our customers. We aim to include a wide range of recipes which cater to different tastes and families, and add to these each season with new recipes. For example, this season we have added recipes for:

- Cajun chicken tortillas (which includes chicken, avocado, tomato and lettuce)
- Halloumi, bacon and vegetable kebabs on rice
- Beef nachos (which includes beef mince, onions, kidney beans, canned tomatoes and corn chips)
- Greek baked chicken with salad greens
- Hoisin and plum pork mince in lettuce cups (which includes pork mince, carrot, lettuce, cucumber and vermicelli noodles)
- Stuffed cob (which is a vegetarian option and a way to use up leftover vegetables)

FFF\$15 was launched in August 2013. It is based around the four seasons of the year, with Up to 18 new recipes released each season. There is a range of media used to communicate FFF \$15 including:

- television advertisements;

- instore recipe cards (examples attached to this letter); and
- Countdown's website (www.countdown.co.nz/helping-you-save/feed-four-for-15) (links to the recipes are attached in Schedule 1).

Each seasonal campaign is on TV for approximately 6 weeks with the recipe cards in store for several months. These are complemented by the website which is constantly updated with the latest recipes, including the breakdown of costs for each recipe.

The first four recipes listed above are likely to be the television advertisements that the complainant is referring to, as they are the most recent and the complainant makes reference to kebabs and tortillas, which are currently showing (we will send these advertisements by email).

The Complaint

The complaint is contained in the complainant's email of 14 September. The main areas she appears to be complaining about are:

1. Understanding of nutrition
2. Size of the meals
3. Price
4. Sense of community and those on a budget

We deal with each of these areas below:

1. Do the recipes display a lack of understanding of nutrition?

The complainant refers to the advertised recipes containing ingredients that she states appear to *"lack any understanding of nutrition, although the cook happily declares how it's a perfectly nutritious balance"* and are in the category of *"snack food"*.

Countdown Response

All the recipes in the FFF\$15 programme are written by experienced, well regarded (independent to Countdown) food writers. The recipes are designed for each particular season e.g. we include lighter meals and BBC1 recipes for summer, and more hearty meals like stews for winter. We always take into consideration what fresh produce is in season when designing the menus.

As can be seen by the above recipes for this season, there is a full selection of balanced family meal options provided. As discussed further in the "Size of Meals" section below, we aim to maintain a balance of key food groups in each recipe.

Despite the complainant's assertion, we do not specifically make any claim about any specific nutritional qualities of the meals in any of the television advertisements referred to. Despite that, we appreciate that the general implication of the advertisements, and one of our key goals in the FFF\$15 programme, is that the meals will be balanced and nutritious. We absolutely stand by that message.

To support this view, please note that the NZ Nutrition Foundation supply 'Just Cook kits' to community groups who then help and educate people about cooking and healthy eating. In May this year, the Foundation included the FFF\$15 recipe cards within these kits.

The feedback we have received from customers has been very positive. As an example of this, we attach some customer comments regarding their views of FFF\$15 obtained through customer research of the programme in October 2014 (Schedule 2).

2. Size of the meals—do they serve a family of four?

The complainant refers to the recipes being "*more suited to food you crave after a night out on the booze.*"; and to be "*in the category of snack food, not complete meals...*"

Countdown Response

Our portions are based on typical serving sizes, examples of which are stated on the www.nutritionfoundation.org.nz website as 100g of cooked meat, or 2 chicken drumsticks. In instances where 1.00g of cooked meat might not be possible due to budget restrictions, we will make up for this in other food groups e.g vegetables, breads and grains.

We aim to maintain a balance of key food groups in each recipe. As referred to above, all the FFF \$15 recipes are written by independent food writers who are well versed on designing affordable and balanced family meals.

3. Price. — will the meals cost more than \$15?

The complainant refers to the recipes containing some foods that may be out of season when the advertisements run and/or be too expensive to be able to keep within the \$15 budget.

Countdown Response

The Countdown website contains the full breakdown of meal costs for each recipe, via the link on each FFF. \$15 recipe. The website is the best place to present all of that information, as it is too detailed to present easily in a short television advertisement, or on the recipe cards, which are designed to be simple and just contain a shopping list and the recipe. Both the television advertisements and the recipe cards refer to the Countdown website having all the details relating to the recipes and a full breakdown of meal costs. For example, as can be seen in the "Meal Cost Calculation" on the website link for Cajun Chicken Tortillas, the cost of the meal as at 25 July 2016 was \$13.76.

We agree that seasonal fluctuations in the price of fresh fruit and vegetables can be challenging for families when budgeting for their week. Occasionally we do include in some recipes a small quantity of produce that isn't in season, but which is available year-round. Regardless, it is costed accordingly and we ensure that the overall meal can be prepared for under \$15.

The cost of each meal is calculated on the actual quantity or portion of each ingredient used in the recipe, not the whole ingredient. Prices for this season are based on the normal shelf price (non —promotional price) of each portion as at 25 July 2016. The costings for all (new and existing) recipes are updated before each new season of FFF \$15 goes to market and any recipes that are costed over \$15 are removed from the FFF \$15 programme (including the website).

4. Do the advertisements lack a sense of social responsibility?

The complainant claims in her penultimate paragraph that Countdown is not taking a responsible view of its part in the community by running these advertisements.

This also relates to the codes that the ASA refers to in its letter of 26 September, as follows:

Code of Ethics — Basic Principle 4, Rule 2 — "*All advertisements should be prepared with a due sense of social responsibility to consumers and to society.*"

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.*"

Code for Advertising Food - 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.*"

Countdown response

We do not accept the complainant's claim. We believe that the FFF\$15 programme provides people in the community, with quick, tasty, healthy recipe ideas, for under \$15, based on a serving of four. We have engaged independent experts to design the recipes. Should people want to understand how each recipe is costed, the Countdown website contains a full breakdown of this and the website is referred to clearly within each FFF\$15 television advertisement.

Our belief is also widely supported by the feedback that we have received from our customers, food industry experts and community groups.

For the above reasons, in relation to the above ASA Codes, we believe that:

- we are complying with our obligations regarding social responsibility;
- the advertisements are not misleading, or deceptive or exploitative in any way.

We trust this deals with the complainant's main issues and any concerns the ASA may have, but please let me know if you have any queries relating to the above

RESPONSE FROM COMMERCIAL APPROVALS BUREAU ON BEHALF OF THE MEDIA

We have been asked to respond to this complaint under the following codes:

Code of Ethics – Basic Principle 4, Rule 2;

Code for Advertising Food – Principle 1, Principle 2;

CAB approved this Countdown commercial on 02/09/16 and it has been on air since that date.

Substantiation from the advertiser clearly shows that this recipe costs under \$15 to prepare. The complainant makes claims about what constitutes a meal without any reference to sources either credible or incredible.

In essence, this appears to be a grudge complaint – it should not be not upheld.