

COMPLAINT NUMBER	18/135
COMPLAINANT	L Holmes
ADVERTISER	Sanitarium Health and Wellbeing
ADVERTISEMENT	Weet-Bix, Television
DATE OF MEETING	11 May 2018
OUTCOME	Settled – advertisement removed

Advertisement: The television advertisement for Sanitarium gluten free Weet-Bix begins with the presenter saying to camera “I’m talking to Kiwis about eating a better brekkie and I’ve seen a few of you here and there are going gluten free, so if that’s you I’ve got great news. He then speaks to a woman and says: “Why are you eating less gluten?” The woman replies: “I felt quite bloated and since I’ve been eating less gluten I feel a lot lighter and have more energy.” The presenter hands her a box of gluten free Weet-Bix and says “Now you can go back to Weet-Bix for breakfast.”

The Chair ruled the complaint was Settled.

Complainant, L Holmes, said: This advert for gluten free Weet-bix breaches both principles 1 and 2. The offending statement in the advertisement is when the lady is explaining the benefit of the product she says:

I felt quite bloated and since I've been eating less gluten I feel a lot lighter and have more energy.

I am a medical doctor and at no point does the dialogue state that this sort of product is really meant for inclusion in a gluten-free diet, as prescribed for those who are diagnosed with an auto immune disease e.g. coeliac disease (which requires antibody testing) and only affects a tiny portion of society.

The implication is that any member of the public who might feel bloated, an extremely common complaint which can be due to a plethora of reasons, will benefit from this product, making them feel lighter and more energised. Without specialised health knowledge, an average member of the public might buy this product based on this claim for misleading reasons. This is extremely irresponsible and breaches:

Principle 1 - sense of high standard of social responsibility to consumers and to society with a generalised misleading health claim.

Principle 2 - as the advert makes an exaggerated claim by implication which could mislead consumers and exploit consumers lack of knowledge.

Advertiser, Sanitarium, said: “We have made the decision to remove this Television Commercial from market. The last remaining week of Advertising for this Commercial, planned for week commencing 13th May 2018, has been removed from air and we will not use this particular advertisement again.”

The relevant provisions were Code for Advertising Food - Guideline 1 (a), Guideline 2 (a), Principle 1, Principle 2

The Chair noted the Complainant’s concern the advertisement was implying the product could relieve bloating in the average consumer which was unsubstantiated and misleading.

The Chair acknowledged the Advertiser had responded to the complaint by removing the advertisement.

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

Chair's Ruling: Complaint **Settled – advertisement removed**

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 days of receipt of this decision.