

COMPLAINT NUMBER	19/223
COMPLAINANT	J Wilkins
ADVERTISER	Goodman Fielder NZ
ADVERTISEMENT	Meadow Fresh NZ television
DATE OF MEETING	23 July 2019
OUTCOME	Not Upheld No further action required

Description of Advertisement

The television advertisement for Meadow Fresh Kalo Authentic Greek Yoghurt says: "...That's why we make Meadow Fresh Kalo the authentic way. Only two ingredients strained to create a naturally thick and creamy high protein yoghurt...". The advertisement ends with a photo of a container of "Natural" flavour Kalo Authentic Greek Yoghurt. The text says: "It's how it's made that matters."

Summary of the Complaint

The Complainant was concerned the advertisement is misleading because it says the yoghurt is made from only two ingredients. The Complainant said when they bought the product recently, the honey flavoured one, the list of ingredients indicated that there were more than two ingredients. The Complainant said the honey flavoured yoghurt also contains starch and other ingredients, some of which contain sugar.

Issue Raised

- Truthful Presentation

Summary of the Advertiser's Response

The Advertiser said the claims made in the advertisement are factual and able to be substantiated. The base yoghurt, the Natural yoghurt, is made using two ingredients. Any flavourings are in addition to that. The sugar and starch ingredients are part of the honey blend, they are not part of the yoghurt itself.

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Meadow Fresh yoghurt. The Complaints Board said the advertisement was not misleading because the "Natural" flavour Kalo Authentic Greek Yoghurt is made using only two ingredients, as advertised.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

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

Rule 2(g): Food and Beverage Claims: Food and Beverage claims must be factual and able to be substantiated and must not be misleading.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout was “Natural” flavour Kalo Authentic Greek Yoghurt is made the authentic, traditional way, using only two ingredients.

Is the advertisement misleading?

The Complaints Board said the advertisement was not misleading because the product being advertised, the “Natural” flavour Kalo Authentic Greek Yoghurt, is made with only two ingredients, as stated in the advertisement. The two ingredients are low fat milk and live cultures.

The Complaints Board said the product the Complainant purchased was the “Manuka Honey” flavoured Kalo Authentic Greek Yoghurt, which contains more ingredients, in order to obtain the honey taste.

Is the advertisement making any food and beverage claims?

The Complaints Board said the advertisement does not contain any food or beverage claims, for example claims regarding any health or nutritional benefits that could be achieved from consuming this product. The only claim made is that the yoghurt is made in the traditional way and the inference is that the traditional method is better than other methods.

The Complaints Board said the advertisement was not misleading, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(g) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required

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.

APPENDICES

1. Complaint
2. Response from Advertiser
3. Response from Media

Appendix 1

COMPLAINT FROM J WILKINS

Meadowfresh advertisement states 'Kalo authentic greek yogurt made from only two ingredients' and shows an image of one woman pouring in milk and another adding a spoon of culture.

This is grossly misleading. I unfortunately bought some the other day, the 'honey' flavour variant, (as a result of the advertising as 'authentic greek yogurt') and found in the ingredients a/ the honey variant of the yogurt is 10% sugar (not one of the two ingredients mentioned) and b/ the yogurt also contains starch and other ingredients.

I do not believe it is appropriate to advertise this as a natural, milk and culture only product when clearly other ingredients are included, and the majority of variants contain a significant amount of sugar. The advertisers are seeking to mislead consumers about the health benefits of the product.

Appendix 2

RESPONSE FROM ADVERTISER, GOODMAN FIELDER NZ

Contact person for advertising complaints	Ra Fletcher, Goodman Fielder NZ
Name and contact at creative agency	Jono Key, PitchBlack
Name and contact at media agency	Nicky Greville, MBM
A basic, neutral description of the advertisement	An ad promoting Meadow Fresh's Kalo Natural Authentic Greek Yoghurt
Date advertisement began	23/06/19
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	TV, Meadow Fresh Website (embedded YouTube video)
Is the advertisement still accessible – where and until when?	Yes – please see schedule attached

A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	https://www.youtube.com/watch?v=C3ShJVGy95w
Who is the product / brand target audience?	HHS 25-54
Clear substantiation on claims that are challenged by the complainant.	Please see letter below.
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	Supporting documents (media schedule and spotlist) are confidential
For Broadcast advertisements:	
A copy of the script, media schedule & spotlist	Please see the attached script, media schedule and spotlist
CAB key number and rating	Key Number: GDF/30/0066 TV CAB NUMBER: 90614028 Rating: GXC – general except children
For Digital advertisements:	
What platform tools have you used to target your audience?	TVNZ VOD, MediaWorks VOD We haven't launched on Facebook yet. The ad is on YouTube, but there is no spend behind it.

RE: Meadow Fresh NZ Television – Complaint 19/223

Thank you for your letter dated 1 July 2019 regarding the complaint received from J Wilkins concerning Goodman Fielder New Zealand Limited's (GF) Meadow Fresh Kalo Greek yoghurt (**Complaint**).

We understand that the Complaint relates to the statement, '*Kalo authentic greek yoghurt made from only two ingredients*' (**Claim**) as used on GF's Meadow Fresh Kalo television advertisement (**TVC**).

GF is confident of the accuracy and appropriateness of the Claim. GF invests substantial resources, and has in place robust internal review processes, in seeking to ensure that the advertisements for which it is responsible comply with all applicable ASA codes, trade practices legislation and Food Standards Code.

The Claim is factual and able to be substantiated in accordance with Rule 2(g) of the Advertising Standards Code. Meadow Fresh Kalo Natural Greek yoghurt which is pictured in the TVC is made with only two ingredients – milk and live cultures. No other flavours or variants are shown in the TVC.

Nonetheless, it is very important to the Meadow Fresh brand that we communicate clearly with consumers. Moving forward, additional materials created for this campaign using the Claim will include a reference to the Natural variant in words, not just images.

The Complaint makes reference to Meadow Fresh Kalo flavoured variants, in particular our Manuka Honey flavour. This product, along with all of the flavoured variants in the Meadow Fresh Kalo range, is made using the same Meadow Fresh Kalo Greek yoghurt (from only two ingredients) as the base. The products are then flavoured as indicated on pack.

In response to the concerns specifically raised in the Complaint regarding Meadow Fresh Kalo Manuka Honey flavour:

- the starch is part of the honey blend. It is not part of the yoghurt. This is labelled on pack in compliance with the Food Standards Code; and
- sugar is also part of the honey blend ingredient, not the yoghurt itself. The product sugar levels are clearly labelled in the Nutritional Information Panel and ingredients declaration in compliance with the Food Standards Code. GF has received positive feedback from consumers regarding the relatively low sugar levels in its Meadow Fresh Kalo flavoured yoghurt products, but takes Ms Wilkin's feedback seriously and will pass her comments regarding sugar to our product development team.

GF is proud of its Meadow Fresh Kalo range. The purpose of the TVC was to highlight the fact that Meadow Fresh Kalo Greek yoghurt is naturally thickened by way of the straining process used to make it, not by using ingredients like gums or additives. All nutritional content claims in the TVC are made in accordance with the Food Standards Code. Accordingly, we feel that the TVC does not overstate the benefits nor mislead consumers in relation to the nutritional value of the Meadow Fresh Kalo range.

We respectfully submit that the advertisement is not in breach of Principle 2 of the Advertising Standards Code, and the phrasing of the Claim is justifiable in the context of the advertisement. We ask that the complaint not be upheld.

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.

Script

There are lots of processes that have improved over time.

The voting process.

The legal process.

Transportation.

Then there are other processes we got right the first time.

That's why we make Meadow Fresh Kaló the authentic way.

Only two ingredients strained to create a naturally thick and creamy high protein yoghurt.

Mmmmm

Meadow Fresh Kaló authentically strained Greek Yoghurt - Because it's how it's made matters.

Appendix 3

RESPONSE FROM THE COMMERCIAL APPROVALS BUREAU

This advertisement is purely for Kalo Authentic Greek Natural Yoghurt. This product does contain two products – fresh New Zealand milk and live cultures originating from Crete. It is then strained the authentic way to provide a naturally thick and high protein yoghurt". The product – Kalo Authentic Greek Yoghurt – Natural - is displayed in the closing frames.

The complainant, as they admit, has purchased one of the flavoured variants of the Kalo Yoghurt range but those products are not part of this advertisement.

There is no basis to uphold this complaint.