

COMPLAINT NUMBER	20/169
COMPLAINT ON BEHALF OF	Direct Action Everywhere New Zealand (DxE NZ)
ADVERTISER	Beef + Lamb New Zealand Inc
ADVERTISEMENT	Beef + Lamb New Zealand, Website
DATE OF MEETING	26 May 2020
OUTCOME	Not Upheld No Further Action Required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about two statements made by Beef + Lamb New Zealand on its website about the nutritional benefits of eating red meat. The Board said the advertisements were not misleading and the Advertiser had provided adequate substantiation to support the claims made.

Description of Advertisement

The Beef + Lamb NZ digital marketing advertisements includes two blog posts, discussing the nutritional benefits meat has for New Zealanders.

Advertisement One:

The first blog titled *'Keeping Healthy Simple'* appears on the recipes.co.nz website

Statement: *"Here are some more top tips from the Beef + Lamb NZ team: Include lean red meat 3-4 times per week to meet iron and zinc requirements."*

Advertisement Two:

The second blog titled *'Climate Change Teaching Resource Not Based On Nutritional Science'* is an opinion piece by Fiona Windle, Head of Nutrition at Beef + Lamb and Jeremy Baker, Chief Insights Officer for Beef + Lamb. The article talks about climate change, the lack of evidence around reducing meat consumption and nutritional recommendations.

Statement: *"We know that a third of young girls here in Aotearoa – whose nutrient needs change during puberty – don't achieve their daily iron intake requirements, a mineral vital for learning and cognition, yet there is a blanket statement suggesting they should just 'reduce' their meat consumption."*

Summary of the Complaint

Advertisement One: The Complainant is concerned the articles make misleading claims about nutrition by saying eating red meat is necessary to meet recommended daily iron and zinc requirements. The Complainant lists the iron and zinc levels found in non-animal sources.

Advertisement Two: The Complainant said there is no evidence to support the claim young girls are deficient in iron and says the advertisement implies the only way to meet iron requirements is to eat meat.

Issues Raised:

- Truthful Presentation

Summary of the Advertiser's Response

Advertisement 1: The Advertiser defended the advertisements. It said it provided "tips" and at no point does Beef + Lamb recommend people 'must' eat red meat. It is a fact beef and lamb are a source of iron and zinc. The Advertiser say it used bold type to draw attention to several widely accepted health recommendations and the website contains a wide range of information. The Advertiser also commented on the iron and zinc figures for non-animal sources quoted by the Complainant.

Advertisement 2. The Advertiser provided substantiation for the claim made regarding girls' iron intake taken from *A Focus on Nutrition*.

Relevant ASA Codes of Practice

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

ADVERTISING STANDARDS CODE

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.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 16/063 which was Not Upheld and 17/117 which was ruled No Grounds to Proceed.

The full versions of decisions since 2015 can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 16/063 concerned an advertisement for Beef + Lamb New Zealand promoting the importance of beef and lamb for protein consumption as part of a healthy diet for children.

The Complainant was concerned the advertisement exploited people's lack of knowledge about nutritional requirements by misleadingly implying that beef and lamb were superior sources of protein that were essential to children's diets.

The Complaints Board was of the view the advertising campaign which promoted its products as the "Way to Grow" did not make any misleading or exaggerated claims about the benefits of eating red meat. The Board also said the advertisement did not imply that red meat was the only or superior source of protein

Decision 17/117 concerned a television advertisement for Beef + Lamb New Zealand which said "Red meat 3-4 times a week is just what you need to keep you feeling at your peak," and "Red meat can't be beat."

The Complainant raised concerns regarding the possible links between red meat and heart conditions and cancer as well as the World Health Organisation recommendation of a heavily plant-based diet as a better option.

The Chair of the Complaints Board said based on the substantiation provided by the Advertiser for precedent Decision 16/063, the evidence showed that controlled portions of beef and lamb as part of a balanced diet were not deemed to be detrimental to heart health or a cancer risk.

Complaints Board Discussion

Consumer Takeout – Advertisement One:

The Complaints Board agreed the likely consumer takeout of the website was Beef + Lamb New Zealand provide tips worth considering to achieve your health and nutritional requirements and one of these, is that beef and lamb provide you with iron and zinc.

Is the statement in the advertisement misleading?

“Here are some more top tips from the Beef + Lamb NZ team:

Include lean red meat 3-4 times per week to meet iron and zinc requirements.”

The Complaints Board said this statement is not misleading. The Board said the Advertiser is offering advice on how its products can contribute to a healthy diet. The Advertiser provided substantiation to support the tip and noted nutritional figures were taken from the *New Zealand Food Composition Database 2019 and Foodworks 10*.

The Complaints Board agreed the Complainant had a different consumer takeout than the Advertiser intended. The Board said there was no suggestion made in the advertisement that the consumption of red meat was the only way to meet the recommended iron and zinc requirements recommended. The Board said the use of bold type in the advertisement to highlight certain passages did not make the message misleading.

The Complaints Board unanimously agreed Advertisement One had not breached Principle 2 or Rule 2(b) of the Advertising Standards Code.

Consumer Takeout – Advertisement Two:

The Complaints Board agreed the likely consumer takeout of the blog titled ‘*Climate Change Teaching Resource Not Based On Nutritional Science*’ was that in Beef + Lamb New Zealand’s opinion alongside environmental concerns, consumers needed to consider the health implications of dietary choices. There is a factual statement made that young girls can suffer from iron deficiency.

Is the advertisement misleading?

“We know that a third of young girls here in Aotearoa – whose nutrient needs change during puberty – don’t achieve their daily iron intake requirements, a mineral vital for learning and cognition, yet there is a blanket statement suggesting they should just ‘reduce’ their meat consumption.”

The Complaints Board said the opinion piece was written by representatives from Beef + Lamb in response to a Ministry of Education climate change teaching resource: *Climate Change: Prepare Today, Live Well Tomorrow*. It falls within the definition of an advertisement as it is attempting to influence consumers to purchase products promoted by the Advertiser.

The Complaints Board said Advertisement Two was not misleading. It noted the Complainant had a different consumer takeout than the Advertiser intended. The Board said there was no suggestion made in the advertisement that the consumption of red meat was the only way to meet the recommended iron levels.

The Complaints Board noted the Advertising Standards Code guidance for Principle 2 - Truthful Presentation, which states “Advertisers must hold evidence to substantiate all claims made in an advertisement.” The Board said the advertisement had made a factual claim about the number of young girls known to have iron deficiencies and this statement required substantiation. The Advertiser provided evidence to support the statement from the report *A Focus on Nutrition: Key findings of the 2008/09 New Zealand Adult Nutrition Survey*. The Complaints Board agreed it was not essential for the substantiation to be referenced directly in the blog style advertisement.

The Complaints Board unanimously agreed Advertisement Two had not breached Principle 2 or Rule 2(b) of the Advertising Standards Code.

In Summary

The Complaints Board said the advertisements were not misleading, taking into account context, medium, audience and product and were not in breach of Principle 2 or Rule 2(b) 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 calendar days of receipt of this decision.

APPENDICES

1. Complaint
 2. Response from Advertiser
-

Appendix 1

COMPLAINT

Nature of complaint: Breach of Rule 2 (b) of the Advertising Standards Code
Rule 2(b) of Advertising standards code

“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.”

Beef and Lamb New Zealand have made claims about nutrition that are untrue, and are designed to frighten consumers, not to enlighten them.

In particular, we refer to the following:

CLAIM 1: Screen shot attached in the file ‘BEEF LAMB AD’. From
<https://www.recipes.co.nz/Nutrition/Healthier%20Habits/KeepingHealthySimple>

“Here are some more top tips from the Beef + Lamb NZ team:

Include lean red meat 3-4 times per week to meet iron and zinc requirements.”

The claim is made in BOLD for added emphasis. Note the wording. The advertiser is not stating ‘Include lean red meat 3-4 times a week as one way to meet iron or zinc requirements’, or ‘include lean red meat 3-4 times a week to contribute to iron and zinc requirements’, both of which would have been true.

The advertiser specifically claims that lean red meat must be eaten 3-4 times per week ‘to meet’ the nutritional requirements. A clear statement that eating red meat is necessary in order to meet these requirements.

This is a false claim.

The “Concise New Zealand Food Composition Tables, 13th Edition (2018), published by the Ministry of Health and Plant and Food list the iron requirements in animal and non-animal sources.

A cup of minced beef contains 4.4mg iron. In contrast, there are:

- 11mg iron in a cup of chick peas
- 14g of iron in a cup of canned tomatoes
- 6.1g iron in a cup of fortified cereal
- 5.1g iron in a cup of parsley

Smaller amounts of iron can be found in legumes, tofu, seeds, nuts and leafy vegetables.

The “Nutrient Reference Values for Australia and New Zealand” published by the Department of Health and Ageing and the National Health and Medical Research Council in Australia,

together with the Ministry of Health in New Zealand, suggest that vegetarians may require up to 80% more iron than meat eaters, due to the relative difficulty of absorbing non-haem iron. They do however state that non-haem iron absorption can improve if it is taken together with vitamin C. Dark green vegetables are a source of both iron and vitamin C.

The Recommended Daily Intake for iron for adults ranges from 8mg for adult men, to 27mg for pregnant women (according to the 'Nutrient Reference Values'). A diet that includes chick peas, tomatoes, fortified cereal and dark green vegetables, with adequate vitamin C would be more than sufficient to gain the Recommended Daily Allowance. The plant sources are cheaper than beef and lamb, so those on a low income would be better advised to obtain iron from plant sources.

The claim is also false for zinc.

According to the "Concise New Zealand Food Composition Tables", a cup of beef mince contains 10mg of zinc. In contrast, there are:

16mg zinc in a cup of wheat germ
8.3mg zinc in a cup of chick peas
5.5mg zinc in a cup of wheat bran.

The Recommended Daily Intake for zinc for adults, according to the Nutrient Reference Values, ranges from 8-14mg. This can be easily obtained from the plant sources above, as well as legumes, seeds and nuts. All these sources are cheaper than beef and lamb. Those on low incomes would be better advised to obtain zinc from plant sources.

In conclusion, the claim by Beef and Lamb is false. It is frightening consumers into thinking they have to buy expensive beef and lamb to stay healthy. Totally irresponsible scaremongering to vulnerable low-income consumers.

CLAIM 2:

Screen shot attached in the file 'BEEFLAMBAD2'.

https://www.beeflambnz.co.nz/news/2020/2/24/climate-change-teaching-resourcenot-based-on-nutrition-science?fbclid=IwAR3-eZg_UPXVb1i8FtMJMpSRIXKet_4e3tcQdhZhBkbcCthIWUGmufi_ZQ

The advertiser is critical of a government initiative to encourage less consumption of animal products to reduce the damage to the environment. The advertiser is again making false health claims to back up its argument, claiming that:

"We know that a third of young girls here in Aotearoa – whose nutrient needs change during puberty – don't achieve their daily iron intake requirements, a mineral vital for learning and cognition, yet there is a blanket statement suggesting they should just 'reduce' their meat consumption."

A quite shocking claim. Firstly there is no evidence at all from any reputable source that 'a third of young girls here in Aotearoa don't achieve their daily iron intake requirements'

Extraordinary claims like this require extraordinary evidence – not no evidence at all, which is what the advertiser has presented.

Secondly, there is again the implication that the only way to meet iron requirements is to eat meat. A claim that we have already demonstrated is false, based on evidence.

Relief sought

Beef and Lamb New Zealand are making untrue and irresponsible claims that could cause unnecessary hardship to those on a low income. We request immediate removal and retraction of all offending statements, and any other similar untrue or misleading statements on all advertising literature.

Appendix 2

RESPONSE FROM ADVERTISER, BEEF + LAMB NEW ZEALAND INC

Beef + Lamb New Zealand Inc strongly refute the complainant's accusation we have 'made claims about nutrition that are untrue, and are designed to frighten consumers, not to enlighten them.'

Claim 1:

Webpage: <https://www.recipes.co.nz/Nutrition/Healthier%20Habits/KeepingHealthySimple>

In reference to claim 1, the complainant has accused Beef + Lamb New Zealand Inc of claiming:

"...that lead [sic] red meat must be eaten 3-4 times per week 'to meet' the nutritional requirements."

At no point on this webpage or indeed our wider website does Beef + Lamb New Zealand Inc recommend people 'must' eat red meat in order to meet 'nutritional requirements'.

The specific line on the website the complainant refers to is:

"Include lean red meat 3-4 times per week to meet iron and zinc requirements."

This line is listed under a section on the webpage offering '...top tips from the Beef + Lamb NZ team'. We do not believe offering a 'tip' in any way implies red meat 'must' be eaten in order to 'meet nutritional requirements'.

The statement itself – implying that beef and lamb are a source of iron and zinc – is undeniable and fully substantiated. In fact, the complainant goes on to helpfully confirm, in his submission, that red meat does 'contribute to iron and zinc requirements'

"The advertiser is not stating 'Include lean red meat 3-4 times a week as one way to meet iron or zinc requirements', or 'include lean red meat 3-4 times a week to contribute to iron and zinc requirements', both of which would have been true."

When the substantiated statement is viewed in the context of a 'tip' we believe this statement meets the Advertising Standards Authority's rule 2(b) of Advertising standards code

"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."

We also believe it meets rule 2(g) that 'food and beverage claims must be factual and able to be substantiated and must not be misleading.'

The complainant also raises the use of bold type on the webpage as a way of emphasising the point of the nutritional availability of iron and zinc in red meat.

"The claim is made in BOLD for added emphasis."

Beef + Lamb New Zealand Inc has used bold type to draw attention to several widely accepted health and wellness recommendations on the page that all contribute to a balanced and healthy lifestyle. We do not believe our use of bold type on the specific ‘tip’ in question (“Include lean red meat 3-4 times per week to meet iron and zinc requirements”) in any way adds additional emphasis above and beyond the other tips and advice listed on the page.

Finally, Beef + Lamb New Zealand Inc would like to draw attention to the other webpages that sit under the nutrition section where the statement (“Include lean red meat 3-4 times per week to meet iron and zinc requirements”) is housed. The nutrition section offers a wide range of information that has been put together by our highly experienced nutrition team who [endorse](#) the New Zealand Ministry of Health Eating and Activity Guidelines which include a moderate consumption of red meat with plenty of vegetables within a healthy lifestyle. This endorsement is reflected in our wide range of recipes and resources.

Claim 2:

Webpage:

<https://www.beeflambnz.co.nz/news/2020/2/24/climate-change-teaching-resource-not-based-on-nutrition-science>

The complainant refers to an opinion piece in which Beef + Lamb New Zealand Inc responded to a climate change teaching resource which was announced by the government in January 2020.

Specifically, the complainant highlighted a statement within the opinion piece that referred to the iron intake of young girls in New Zealand.

“We know that a third of young girls here in Aotearoa – whose nutrient needs change during puberty – don’t achieve their daily iron intake requirements, a mineral vital for learning and cognition, yet there is a blanket statement suggesting they should just ‘reduce’ their meat consumption.”

The complainant alleges that *‘there is no evidence at all from any reputable source that ‘a third of young girls here in Aotearoa don’t achieve their daily iron intake requirements’.*

In fact, this statistic is taken from the following report:

University of Otago and Ministry of Health. (2011). A Focus on Nutrition: Key findings of the 2008/09 New Zealand Adult Nutrition Survey. Wellington: Ministry of Health. p.182

This report is an analysis of the 2008/09 New Zealand Adult Nutrition Survey which was carried out from October 2008 to October 2009. A total of 4721 adults aged 15+ years participated, including 1040 Maori and 757 Pacific peoples. This is deemed a representative sample of the New Zealand population by the scientific community.

The report, A Focus on Nutrition: Key findings of the 2008/09 New Zealand Adult Nutrition Survey, presents key findings from the survey, including:

- energy and nutrient intake
- dietary sources of nutrients
- dietary habits
- dietary supplement use
- food security.

For ease, we have taken a copy of the table (see below – Table 4.23: Iron intake, by age group, ethnic group, NZDep2006 and sex) on page 182 of the [report](#) which details the statistic referring to the iron intake of young women (in this case 15-18-years-old) – 34.2% of females between the age of 15 to 18 years of age had inadequate iron intake.

The 2008/09 New Zealand Adult Nutrition Survey is the most recent adult nutrition survey conducted and therefore is the most up-to-date evidence we can draw upon.

Beef + Lamb New Zealand would like to clarify with the ASA Complaints Board whether we are required to substantiate a claim made in an opinion piece that is housed on our own website? However, irrespective of the answer, Beef + Lamb New Zealand are happy to add the reference to the article in order to satisfy the complainant that this admittedly extraordinary statistic has been taken from a ‘reputable source’.

In reference to the second point made as part of ‘claim 2’; the complainant suggests there is an ‘implication that the only way to meet iron requirements is to eat meat’ that can be taken from the opinion piece. The complainant does not even provide evidence – as part of the submission – to indicate if the suggested ‘implication’ even exists. Despite this, we would invite the Complaints Board to read the opinion piece in full to gauge for themselves whether there is any implied meaning to add to the complaint or not.

Additional Notes:

Despite not being relevant to the core of the complaint, we would also like to address some of the nutritional figures – specifically around iron and zinc levels – included by the complainant as part of the submission for ‘claim 1’.

In reference to the iron and zinc figures stated by the complainant:

- The complainant states the amount of iron in a cup of chickpeas is 11mg. However, this is the figure for uncooked chickpeas which is not how they are consumed. When chickpeas are cooked, the amount of iron changes to 3.1mg/cup.
- The complainant overstated the amount of iron in canned tomatoes, fortified cereals and parsley by using grams over mg.
- The amount of iron in a cup (250g) of canned tomatoes is 0.8mg - 1.88mg not 14 grams
- The complainant states there is 8.3mg of zinc in a cup of chickpeas (inedible uncooked) when in fact one cup of cooked chickpeas contains 1.38mg.
- The figure the complainant has stated for one cup of raw beef mince is 10mg. The figure for one cup of cooked mince, premium simmered and lean beef mince stewed is actually 6.52 mg and 7.99mg respectively. The board will note those figures are lower than what the complainant has referenced for raw mince but Beef + Lamb New Zealand takes great care to ensure the nutrition information we share is relevant and accurate.

All revised figures referenced in the bullet points above are taken from the New Zealand Food Composition Database 2019 and Foodworks 10.

With these inaccuracies in mind, we would urge the Complaints Board to carefully consider any future complaints from the complainant. Whilst Beef + Lamb New Zealand Inc fully support the independent oversight the ASA offers to ensure Kiwis are exposed to advertising that is true and accurate, we wonder whether, in this case, the ASA complaints procedure is being exploited to further the complainants’ anti-meat agenda.

Please do not hesitate to contact us should there be any points that need to be clarified further.