

COMPLAINT NUMBER	20/539
ADVERTISER	Fonterra Co-operative Group Ltd
ADVERTISEMENT	Anchor, Billboard
DATE OF MEETING	27 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Fonterra billboard advertisement promotes the new 2 litre Anchor Blue milk with a plant-based bottle. The headline of the advertisement says "Choose our new bottle made from plants". The advertisement includes a product picture of a bottle of milk set amongst green leaves. The label on the bottle says, "I'm a plant-based bottle."

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: I saw a billboard for anchor plant based milk at the Kingsland train station yesterday morning. I was on the train so didn't see it for long but saw the bottle and big bold letters saying plant based. I was really excited for a new NZ based plant milk, especially from a dairy producer. I looked for the product in the supermarket this morning and found out it contains cows milk but the bottle is made from plants? This is clearly false advertising as it totally gives the impression that it is plant milk. I tried to google the advert this morning but I couldn't find it but the words plant based were really big and bold next to a picture of the milk bottle so I don't know how they could have got away with making an advert like this.

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

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 Chair noted the Complainant's concern the advertisement could mislead consumers into thinking the milk is plant based rather than the bottle.

The Chair carefully reviewed the advertisement and said the creative refers to the bottle being made of plants twice, both in the headline and featured on the product image. She said the generic green foliage presented in the background was also nothing like the typical plants used to create plant-based milk such as almond trees or soybean plants.

The Chair said the advertisement had sufficient word and visual cues that what was being hailed as plant-based was the bottle and was unlikely to mislead or deceive consumers. The Chair said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

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.