

Food & Beverages Advertising Code

1 NOVEMBER 2021

AANA

The voice for brands

Objectives



This **Code** has been adopted by the **AANA** as part of advertising and marketing self-regulation. The object of this **Code** is to ensure that advertisers and marketers maintain a high sense of social responsibility in advertising and marketing food and beverage products in Australia in a manner that is legal, honest, truthful and reflects health and safety standards.

This Code is accompanied by a Practice Note which has been developed by the AANA. The Practice Note provides guidance to advertisers and complainants, and must be applied by the Ad Standards Community Panel in making its determinations. In the event of any ambiguity the provisions of the Code prevail.

Definitions



In this Code, unless the context otherwise requires:

- ▶ **Advertising** means:
 - (a). any advertising, marketing communication or material which is published or broadcast using any **Medium** or any activity which is undertaken by, or on behalf of an advertiser or marketer,
 - over which the advertiser or marketer has a reasonable degree of control, and
 - that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,
 - (b). but does not include:
 - labels or packaging for products
 - corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy
 - in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel, station or network.
- ▶ **Average Consumer** means a regular adult shopper.
- ▶ **Children** means persons under the age of 15 and Child means a person under the age of 15.
- ▶ **Food or Beverage Products** means any food or beverage products other than alcoholic beverages as defined in and subject to regulation by the **Alcohol Beverages Advertising Code**.
- ▶ **Health Claim** has the same meaning as defined in the **Australian Food Standards Code**.
- ▶ **Medium** means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.

Definitions (continued)



- ▶ **Nutrition Content Claim** has the same meaning as defined in the **Australian Food Standards Code**.
- ▶ **Occasional Food or Beverage Products** means food or beverages products which do not meet the **Food Standards Australia Nutrient Profile Scoring Criterion** as published from time to time by Food Standards Australia New Zealand.
- ▶ **Sponsorship** means any agreement or part of an agreement involving payment or other consideration in lieu of payment by an advertiser to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the advertiser's product or service. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).
- ▶ **Target Children** is determined by the context of the advertisement and the following three criteria:
 1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;
 2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;
 3. Expected average audience at the time or place the advertisement appears includes a significant proportion of Children.

Advertising for Food or Beverage Products



SECTION 2.1



Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

SECTION 2.2



Advertising for Food or Beverage Products must not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered to be excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to the Australian Dietary Guidelines.

SECTION 2.3



Advertising for Food or Beverage Products that include what an **Average Consumer** might interpret as a **Health Claim** or **Nutrition Content Claim** must be supportable by appropriate scientific evidence meeting the requirements of the **Australian Food Standards Code**.

SECTION 2.4



Advertising for Food or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, must be specific to the promoted product/s.

SECTION 2.5



Advertising for Food or Beverage Products not intended or suitable as substitutes for meals must not portray them as such.

Advertising & Children



SECTION 3.1



Advertising (including sponsorship advertising) of **Occasional Food or Beverage Products** must not target Children.

SECTION 3.2



Sponsorship advertising that targets children must not show an **Occasional Food or Beverage Product**, or such product packaging, or depict the consumption of an **Occasional Food or Beverage Product**.

SECTION 3.3



Advertising of **Food or Beverage Products** featuring a promotional offer of interest to Children must not create a sense of urgency or encourage the purchase or consumption of an excessive quantity.

SECTION 3.4



Advertisers must not give to Children as awards or prizes **Occasional Food or Beverage Products** or vouchers that can be used for **Occasional Food or Beverage Products**.

This section does not form part of the **AANA Food & Beverages Advertising Code** and is provided here for information only.

Complaints under the AANA self regulatory system





Complaints about the content of an advertisement or marketing communication can be made under this **Code** and the other **AANA Codes to Ad Standards**.

Once **Ad Standards** has received your complaint, it then assesses the complaint to determine whether it is eligible for consideration by the **Ad Standards Community Panel**. The Panel is the body established to adjudicate complaints.

If accepted the advertiser/marketer is notified and a response is requested. The complaint is then considered by the Panel and the advertiser and complainant are advised of the determination. A case report is then published. The original complainant or advertiser/marketer can also ask for a review of the determination.

You can make a complaint by:

Lodging a complaint online at:
 www.adstandards.com.au

Writing a letter (and sending via post) to:
 **Ad Standards**
PO BOX 5110
BRADDON ACT 2612