

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Teri Boerner
Advertiser	Shoprite Checkers (Pty) Ltd
Consumer/Competitor	Consumer
File reference	Checkers – Teri Boerner – 25-01-2019
Outcome	Voluntary undertaking
Date	20 February 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Teri Boerner against the Shoprite Checkers' packaging of its Oh My Goodness water.

Description of the advertising

The label of the product lists, *inter alia*, protein on the nutritional content.

Complaint

The Complainant submitted, in essence, that the product does not contain protein, and that the Advertiser has admitted this but has failed to change the label.

Response

The Advertiser confirmed protein levels by conducting its own testing of the product in question. It will be placing a sticker over the nutritional table on all products that is currently in store containing the correct information. Design, printing and national distribution of said stickers will take between 2 - 3 weeks. The label has been amended to show the correct nutritional information and all new packaging will carry the new label. This should, dependent on sale of the product, be phased into stores in the next 4 - 8 weeks.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Misleading claims – Clause 4.2.1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The Advertiser has submitted that it will amend the packaging, and this amendment appears to address the concerns of the Complainant.

The role of the ARB is primarily to remove advertising that is in breach of the Code, for protection of consumers. For that reason, when an Advertiser furnishes an undertaking that appears to address the complaint under consideration, the ARB will accept that undertaking without considering the merits of the matter.

The undertaking given by the Advertiser addresses the complaint at hand, and the time lines outlined by the advertiser appear to be well within the three months allowed by Clause 15.3.7 of the Procedural Guide for the amendment of packaging.

The undertaking is therefore accepted as a resolution to this matter on condition that it is complied with within the deadlines stipulated in Clause 15.3.7 of the Procedural Guide.