

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Dave Bennett
Advertiser	Shoprite Checkers (Pty) Ltd
Consumer/Competitor	Consumer
File reference	08 - Checkers - Dave Bennett - 07-11-18
Outcome	Undertaking by advertiser
Date	16 November 2018

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Mr Bennett against an advertisement for Checkers.

Description of the advertising

The advertisement is a catalogue featuring special deals offered by Checkers. The relevant deal is for Rama “Original” spread. The claim is that the product is “margarine”.

Complaint

The complainant argued that the product is not “margarine” as legally defined. You can only call yellow “margarine” product “margarine” if it contains a maximum of 16% water, and the Rama product contains more water than that.

Response

Shoprite Checkers submitted that it investigated the complaint and found the mistake to have occurred in only one of its divisions, i.e. KwaZulu-Natal, with all the other divisions labelling the product correctly in all advertising material. The KwaZulu-Natal advertising team has been informed accordingly, and it will ensure that going forward, the word "margarine" will not be used when advertising Rama.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Substantiation – Clause 4.1 of Section II

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 main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the advertiser has undertaken not to use the term “margarine” in its advertising in relation to the Rama “Original” product going forward. This undertaking is not only unequivocal, but clearly addresses the concerns raised by Mr Bennett. There is therefore no need to consider or investigate the matter any further.

Sanction

The ARB Directorate is satisfied that the undertaking given by the advertiser is sufficient to resolve this dispute. The advertiser is reminded that:

- it must adhere to the deadlines provided in Clause 15.3 of the Procedural Guide;
and
- the claim must be withdrawn from every medium in which it appears, as per Clause 15.5 of the Procedural Guide.

Subject to the above, the complaint has been addressed.