



**Australian
Competition &
Consumer
Commission**

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17 August 2015

Mr Howard Dengate
Food Intolerance Network
PO Box 718
Woolgoogla NSW 2456

By email: confoodnet@ozemail.com.au

Dear Mr Dengate

Re: Red Rooster Advertising

We refer to your complaint dated 5 March 2015 to the Australian Competition and Consumer Commission (ACCC) regarding advertising by Red Rooster Foods Pty Ltd (**Red Rooster**). The purpose of this letter is to confirm the outcome of our investigation into advertising by Red Rooster raised by your complaint, as discussed with you in a telephone conversation on 30 July 2015.

The ACCC has concluded its investigation into advertising by Red Rooster and does not intend to take any enforcement action against Red Rooster at this time.

1. “No artificial colours, flavours or added hormones or MSG in any meal prepared by Red Rooster”

You have alleged that the above claim made by Red Rooster is misleading. Based on information gathered during our investigation, we are satisfied that all meals prepared by Red Rooster do not contain any added MSG, artificial colours, artificial flavours or added hormones.

You have also alleged that Red Rooster’s statement relating to “added MSG” is misleading as many of Red Rooster’s products contain hydrolysed vegetable protein, soy sauce and yeast extract which are high in glutamates and can have the same chemical properties as MSG.

Based on our review of Red Rooster’s advertising, we consider that consumers are unlikely to be misled by the statement “no added MSG”. We consider it unlikely that consumers will interpret this statement to mean that Red Rooster’s products do not contain ingredients such

as hydrolysed vegetable protein, soy sauce and yeast extract, which have similar chemical properties to MSG.

2. “At Red Rooster you won’t find anything artificial in any of the meals prepared by us”

You have alleged that Red Rooster’s statement “you won’t find anything artificial in any of the meals prepared by [Red Rooster]” is misleading as many of Red Rooster’s products contain artificial additives in the form of preservatives.

We understand this statement was isolated to Red Rooster’s website in the “About Us” section and was immediately removed after Red Rooster became aware of the statement. We understand that all other advertising used the statement “No artificial colours, flavours or added hormones or MSG in any meal prepared by Red Rooster”.

Due to the limited scope, duration and potential for detriment arising from the statement on Red Rooster’s website, the ACCC does not intend to take any action in relation to this statement at this time.

3. “Our chicken nuggets are preservative free”

You have alleged that Red Rooster’s statement that its chicken nuggets are “preservative free” is misleading as Red Rooster’s cheesy nuggets contain preservatives.

We understand this unqualified statement was isolated to Red Rooster’s website in the “About Us” section and was immediately amended after Red Rooster became aware of the statement. In particular, Red Rooster added a prominent disclaimer that this statement does not apply to its cheesy nuggets.

Due to the limited scope, duration and potential for detriment arising from the statement on Red Rooster’s website, the ACCC does not intend to take any action in relation to the statement at this time.

4. “100% Australian Canola Oil”

You have alleged that Red Rooster’s statement “100% Australian Canola Oil” is likely to lead consumers to believe that the oil used in Red Rooster’s cooking is derived solely from canola when, in fact, the canola oil used by Red Rooster contains antioxidants.

Based on our review of Red Rooster’s advertising, we consider consumers are unlikely to be misled in the manner you alleged but rather understand this statement as relating to where the canola oil is sourced from.

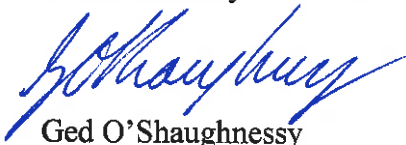
As stated in our telephone call, the ACCC cannot pursue all the complaints it receives about the conduct of businesses. While all complaints are carefully considered, the ACCC’s role is to focus on those circumstances that will, or have the potential to, harm the competitive process or result in widespread consumer detriment. The ACCC therefore exercises its discretion to direct resources to the investigation and resolution of matters that provide the greatest overall benefit for competition and consumers. The ACCC Compliance and

Enforcement Policy sets out principles the ACCC applies in exercising its powers. This is available on the ACCC website <http://www.accc.gov.au/about-us/australian-competition-consumer-commission/compliance-enforcement-policy>.

For the reasons outlined above, the ACCC does not intend to pursue this matter further. This decision does not preclude you from pursuing private legal action for any loss or damage as a consequence of Red Rooster's conduct which you may consider contravened the Australian Consumer Law (as set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth)). If you were to consider such private legal action we recommend you seek legal advice.

If you have any questions regarding this letter please contact Shahrina Quader on 03 9658 6437 or shahrina,quader@acc.gov.au.

Yours sincerely



Ged O'Shaughnessy
Acting Assistant Director
Enforcement Group – Victoria

