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19 October 2007

Lord Smith
Chairman, Advertising Standards Authority
Mid City Place
71 High Holborn
London WC1V 6QT

Dear Lord Smith,

Complaint – Birds Eye Fish Fingers advertisement

I am writing to complain about Birds Eye's recent advertisement for Omega-3 Fish Fingers. I confirm that we are taking no other legal action with regards to this complaint, and that we are happy to be named as the complainant.

As an authority and expert on food policy, representing around 100 national public interest organisations, Sustain considers that the advertisement in question breaks Article 7.1 of the CAP code. The code states that “no marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.” The advert, however, exaggerates the omega-3 source from white fish. In addition, its claim to provide a *good mood food* is also highly exaggerated and misleading to the consumer.

We believe that Article 7.1 has been disregarded on two counts:

1. The omega-3 source obtained from white fish such as pollock or haddock is negligible. The Food Standards Agency states that white fish contain much lower levels of omega-3 than cold water oily fish¹. Therefore, that Birds Eye has named its *white* fish finger product ‘Omega-3’ is an inflated claim and misleading for the consumer.
2. The advert is misleading because Birds Eye claims that this product is a *good food mood*, implying that it could, in isolation benefit the mental health of a child. Although much research and evidence suggests that a diet which includes polyunsaturated fatty acids (particularly the omega 3 types found in oily fish and some plants), the benefits can only work in combination with other nutrients. Contrary to Birds Eye's inference, there is no 'magic bullet' and it is irresponsible to mislead parents into thinking that there is. It is worth adding that we have

¹ <http://www.eatwell.gov.uk/healthydiet/nutritionessentials/fishandshellfish/?view=printerfriendly>

seen Birds Eye's claim to be a *good mood food* on the TV and in the print advertisement.

Given these facts, I feel that the ASA should review the advert in question.

We would urge you to refer to our report, published in 2006, entitled 'Changing Diets, Changing Minds: How food affects mental well-being and behaviour' (available at: <http://www.sustainweb.org/page.php?id=132>) for further information about the relationship between food and mental health.

Thank you for your attention to this matter. I look forward to hearing from you.

Yours sincerely,

Fiona McAllister
Food & Mental Health