



Advertising Standards Authority of South Africa

(Association incorporated under Section 21)

Telephone 011 781 2006 Fax 011 781 1616 Email [info@asasa.org.za](mailto:info@asasa.org.za) Website [www.asasa.org.za](http://www.asasa.org.za)  
Willowview Burnside Island Office Park (entrance off Athole) 410 Jan Smuts Avenue Craighall Park PO Box 41555 Craighall 2024  
Company Registration Number 1995/00784/08 Non-profit Registration Number 043-694 NPO

---

**PRIVACY AND CONFIDENTIALITY**

The information contained in this facsimile is intended for the named recipient/s only. It may contain privileged and confidential information and if you are not an intended recipient, you must not copy, distribute or take any action in reliance upon it.  
If you have received this facsimile in error, please notify us immediately on 27 11 781 2006 and destroy the facsimile.

---

**To:** Ms M Mayet **Email:** [maraimmayet@mweb.co.za](mailto:maraimmayet@mweb.co.za)  
**From:** Ms Farzana Sonvadi  
**Date:** 17 March 2014  
**Reference:** **MONSANTO / M MAYET AND ANOTHER / 22576**

---

Dear Ms Mayet

We refer to the above matter and enclose herewith a copy of the ASA Directorate ruling.

Yours sincerely

**THE ADVERTISING STANDARDS AUTHORITY OF SOUTH AFRICA**

FARZANA SONVADI  
**CONSULTANT: DISPUTE RESOLUTION**  
CC

**Encl. ASA ruling (4 pages)**



Advertising Standards Authority of South Africa

*(Association incorporated under Section 21)*

Telephone 011 781 2006 Fax 011 781 1616 Email [info@asasa.org.za](mailto:info@asasa.org.za) Website [www.asasa.org.za](http://www.asasa.org.za)  
Willowview Burnside Island Office Park (entrance off Athole) 410 Jan Smuts Avenue Craighall Park PO Box 41555 Craighall 2024  
Company Registration Number 1995/00784/08 Non-profit Registration Number 043-694-NPO

## **RULING OF THE ASA DIRECTORATE**

In the matter between:

**MARIAM MAYET on behalf of  
THE AFRICAN CENTRE FOR BIOSAFETY**

**FIRST COMPLAINANT**

**JUDITH TAYLOR**

**SECOND COMPLAINANT**

and

**MONSANTO SOUTH AFRICA (PTY) LTD**

**RESPONDENT**

17 March 2014

---

### **MONSANTO / M MAYET AND ANOTHER / 22576**

---

Consumer complaints were lodged against a radio commercial for Monsanto genetically modified crops.

The live-read states as follows:

“8 billion people by 2025. How will we feed them all? GM crops enable us to produce more food sustainably whilst using fewer resources. GM crops and food are strictly regulated and have been extensively researched and tested for safety. GM crops provide a healthier environment by saving on pesticides and decreasing greenhouse gas emissions whilst increasing crop yields substantially. Read more about the safety and benefits of GM crops at [www.monsanto.com](http://www.monsanto.com)”.

## **COMPLAINTS**

The complainants submitted that the claims made for Monsanto's products are false and unsubstantiated. The first complainant went into detail about the harmful effects,

and negligent benefits of GM crops, arguing that studies have shown, *inter alia*, that insects (pests) build resistance to GM crops, requiring even more pesticides and other agricultural intervention, which in turn impacts on a farmer's profitability. Reference was also made to earlier ASA rulings against the respondent's advertising.

The second complainant submitted that studies have shown that most animals contract liver disease through the use of GMO seeds. Furthermore, that many countries have banned Monsanto from their shores.

## **RELEVANT CLAUSES OF THE CODE OF ADVERTISING PRACTICE**

In light of the complaint the following clauses of the Code were taken into account:

- Section II, Clause 4.1 – Substantiation
- Section II, Clause 4.2.1 – Misleading claims

## **RESPONSE**

The respondent provided the Directorate with links to its website which detail the benefits of plant biotechnology, its product safety summaries, technical publications, safety information, research and its regulatory process.

These reports divide benefits into three broad categories namely, farmers, processors and consumers. The summaries relating to product safety featured links to so-called "Third-Party Studies" on GM food and farming methods.

## **ASA DIRECTORATE RULING**

The ASA Directorate considered all the relevant documentation submitted by the respective parties.

Clause 4.1 of Section II states, *inter alia*, that an advertiser must hold documentary evidence to support all claims that are capable of objective substantiation. In addition, it clarifies that such documentary evidence shall emanate from or be evaluated by an independent and credible expert in the particular field to which the claims relate.

It is trite that the ASA is not a technical expert, and would not be able to interpret scientific data and information to appropriately extrapolate findings. This means that the ASA is not in a position to interrogate the science relied on by parties or pronounce on who is right. This would be the duty of an independent and credible expert relied on by the advertiser.

The Code places the onus of proof at the respondent's door, meaning that the respondent bears the responsibility of proving that its claims are valid and true. To do so, the respondent is obligated to present unequivocal confirmation from an independent and credible expert in the relevant field to support the exact claims made in the advertising. Such unequivocal verification should apply specifically to the respondent's product as sold to customers.

The advertising makes several distinct, claims that are clearly capable of substantiation. These include claims that:

- GM crops "... enable us to produce more food sustainably whilst using fewer resources ..."
- GM crops "...provide a healthier environment by saving on pesticides ..."
- GM crops "... decreas[es] greenhouse gas emissions ..."
- GM crops "... increase[es] crop yields substantially ..."

Aside from submitting links to documents on its website, the respondent has submitted nothing from an independent and credible expert to confirm that the various studies relied on and referred to on its website are applicable to the respondent's product, or that they support the advertising claims.

**As a result, the advertising is currently unsubstantiated and in contravention of Clause 4.1 of Section II of the Code.**

As a result of the above finding:

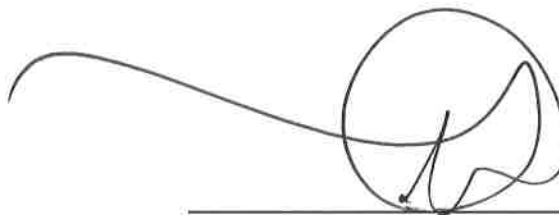
- The advertising and relevant claims must be withdrawn in its current format;

- The process of withdrawing the advertising and relevant claims must be actioned with immediate effect;
- The process of withdrawing the advertising and relevant claims must be completed within the deadlines stipulated by Clause 15.3 of the Procedural Guide, and
- The advertising and relevant claims may not be used again in its current format in future until the respondent has submitted adequate substantiation in accordance with Clause 4.1.7 of Section II of the Code.

It is also noted that the respondent was advised in GM Food / M Wells / 8739 (18 June 2007), that substantiation needs to emanate from an independent and credible expert, and needs to speak directly to the advertising at issue and the product/s being promoted.

The respondent is encouraged to ensure that it holds proper substantiation for its advertising claims, or risk attracting sanctions such as those outlined in Clause 14 of the Procedural Guide for future contraventions of the Code.

**The complaint is upheld.**

A handwritten signature in black ink, consisting of a large, stylized 'K' or similar character, followed by a horizontal line.

**ON BEHALF OF THE ASA DIRECTORATE**