

A South African regulator has ruled that a claim that the seedless mandarin variety Tango is bee-friendly is "misleading".

The country's Advertising Regulatory Board (ARB) upheld a complaint lodged by Citrogold in March against Eurosemillas, Stargrow Marketing and other Tango suppliers.

Citrogold argued that Tango mandarins should not be advertised as being 'bee-friendly' as it falsely implies that no pesticides which are harmful to bees were used in the fruit's production. It also said the term seeks to make a false distinction between the pesticide protocols required for Tango and those required for other varieties.

In addition, the complainant argued that the claim should only be based on recognized scientific standards and principles, as it is of an environmental nature.

"There is no information that Eurosemillas or the Marketers require any sort of compliance of the commercial farmers that grow the fruit that could support their 'bee-friendly' claim," Citrogold said in its complaint.

Responding in April, Eurosemillas' legal representatives argued that the company is not a member of the ARB and therefore is not under its jurisdiction.

Moreover, it said the claim was based on the Tango variety having "low-viability pollen and double gametic sterility which results in seedlessness".

And according to the ARB, Eurosemillas believes that the complaint is of such a technical nature that it should be dealt with by the Department of Agriculture.

## **ARB's decision on Tango case**

In its ruling, the ARB said that it had carefully considered all the material presented for review.

Regarding the issue of jurisdiction, it noted that although the advertiser is not an ARB member, the board's ruling would still be relevant to its members and broadcasters.

"The ARB will therefore proceed to consider this matter for the guidance of its members," it said.

On the merits of the complaint that the 'bee-friendly' claim is misleading, the regulator said: "The essence of the matter before the Directorate is what a hypothetical reasonable

consumer would understand the claim 'bee-friendly' to mean."

It holds that such a consumer would consider the term to mean that the product would attract bees during its growing process, and, at the very least, that the bees would not be harmed by any pesticides or insecticides that may be used on the crop.

"The Advertiser asserts that the seedlessness of the variety makes it bee-friendly," the ARB said. "The Directorate understands that the Advertiser's argument comes down to the following chain of logic: Because the fruit is seedless, it is unnecessary to prevent cross-pollination, meaning, it assumes, that less 'anti-bee' steps are taken."

However, the ARB found that the seedlessness of the product is not what a typical consumer would understand from a 'bee-friendly' label.

"The Directorate is of the view that the lack of an explanation about what 'bee-friendly' means renders the claim ambiguous," it said.

"The average consumer would not understand seedlessness along to equate to bee-friendliness."

It went on to say: "While the Complainant made several references to the fact that the TANGO product is, to the best of its knowledge, sprayed with insecticides harmful to bees, the Advertiser in its response does nothing to refute this assertion.

"A passing reference is made to the fact that the use of phytochemicals, like insecticides, is reduced, but that is all. The Advertiser does not address whether the phytochemicals used, reduced or not, are harmful to bees that may come into contact with the TANGO fruit."

The ARB said the regulator therefore concluded that these products are still applied, albeit in small measure and less frequently.

"The product may therefore cause less harm to bees than seeded fruit varieties, but this does not equate to being 'bee-friendly' as the consumer would understand it," it said.

"To call the product 'bee-friendly' is, therefore, misleading in that the claim is ambiguous at best, or inaccurate at worst."

The ARB said its members are advised not to accept advertising for Tango citrus fruits that include the claim.

The Tango variety was developed from irradiated budwood of the Nadorcott mandarin variety, of which Citrogold is the South African representative.