

ACCC calls for \$10 M fine for Heinz

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**Australian
Competition &
Consumer
Commission**

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In a hearing in the Federal Court in Adelaide on Wednesday, counsel for the Australian Competition and Consumer Commission, Tom Duggan, said the penalty imposed on Heinz had to be sufficient to act as a deterrent against similar conduct by the company and others operating in the food industry.

"If it's not big enough in the end it simply doesn't represent a sufficient deterrent," Mr Duggan told the court.

According to the news reported by Australian Associated Press, Heinz is opposed to the \$10 million penalty but has not suggested an alternative figure, the court heard.

Mr Duggan argued that the company's conduct involved both "wilful blindness" and "recklessness" and said it was very serious because of the potential implications for the diet and oral health of young children.

The ACCC case centred on claims that Heinz made representations on its packaging that suggested the snack had the same nutritional value as fresh fruit, it was a nutritious food for young children and it would encourage healthy eating habits.

Expert witness for the ACCC, nutritionist Rosemary Stanton, told the court in July last year that such depictions were misleading as the product "is not good for toddlers".

Heinz had argued none of those alleged representations had been made and, even if they were, they were not misleading.