

Burger King Overturns Ajinomoto's Victory in Advertisement Dispute in Brazil

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After two years of legal dispute, Burger King secured a victory at the National Council for Advertising Self-Regulation (CONAR) by overturning a decision that had favored Ajinomoto.

The conflict between Ajinomoto and Burger King began in 2022, when Ajinomoto challenged the fast-food chain's advertising campaign. The company claimed that the advertisement disparaged the use of monosodium glutamate (MSG), which is present in many of its products, such as Sazón seasoning, even though it was not mentioned directly. Feeling harmed, Ajinomoto reported the case to CONAR, arguing that the advertisement misled consumers and created insecurity by suggesting that MSG was harmful to health. According to the company, this approach not only affected consumer perception of the substance but also negatively impacted the image of its products, which are widely used in the food industry, and it initially obtained a favorable decision.

Burger King's campaign featured the following slogan: "if nobody wants to add colorants, preservatives, or flavorings, why do some people insist on using them?" This initiative from the fast-food chain aimed to spark a debate about the responsibility companies have regarding their products. The campaign intended to highlight Burger King's distinction from other fast-food chains, as it promised to remove 100% of artificial ingredients from its sandwich menu by 2025.

However, for Ajinomoto, the content crossed the line by insinuating, in a derogatory manner, that the use of monosodium glutamate (MSG) could be harmful, arguing that this created a misleading perception of the ingredient, which is considered safe by regulatory authorities worldwide, such as the World Health Organization (WHO).

Since there was no amicable settlement between the parties, the case went to trial before CONAR, which in the initial judgment, sided with Ajinomoto. The rapporteur examiner responsible for the case understood that Burger King's advertising campaign, although not directly mentioning Ajinomoto's brand, indirectly referenced monosodium glutamate in a biased and derogatory manner. The rapporteur examiner pointed out that the advertisement could lead consumers to believe that monosodium glutamate was harmful to health, which was considered a violation of the advertising ethics code that prohibits creating campaigns that unfairly harm the image of competitors. Therefore, the majority of council members decided to order the modification of the advertisement.

However, in September 2024, the case had an unexpected turn. Following an appeal filed by Burger King, the decision was overturned. CONAR reconsidered the case, taking into account that Burger King's campaign was part of a broader movement to communicate the removal of artificial additives from its products, without the intent to directly attack Ajinomoto or its products.

The new decision determined that the advertisement fell within the bounds of commercial free speech and that the negative implications about monosodium glutamate (MSG) were subjective, not warranting a mandate for changes to the campaign. As a result, Burger King emerged victorious, and the advertisement was allowed to continue airing.

This dispute highlights the challenges of advertising campaigns in the food industry in Brazil, especially when addressing sensitive topics such as additives and health, which strongly impact consumer perception. The decision also underscores the importance of balancing advertising creativity with the need to avoid misleading the public about the safety of widely used products in the food industry.

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