



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0003-20
2. Advertiser :	McDonald's Australia Limited
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety
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DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement which feature scenes of people the morning after a big night.

In the 60 second advertisement:

- a street sweeper is shown moving down a road as the sun rises over the city
- A man is lying on the floor with his head resting on a skateboard, he wakes as sunlight from the window reaches his face
- A woman drinks a glass of water at the kitchen sink whilst wearing sunglasses
- Two women are walking down a street at dawn, one of them stops and shakes her head, the other encourages her to keep moving
- A man is sitting slumped over on the corner of his bed
- A woman is asleep on a pool lounge, she wakes to see an 'P' balloon float away leaving 'HA PY' balloons.
- A woman who was asleep at a table sits up, she has a post-it note stuck to her forehead which reads 'THE QUEEN'.
- Two young children enter a dark bedroom, opening the curtains and jumping on their sleeping parents
- A man stands in front of his fridge staring into it
- The man sitting on the corner of his bed falls backwards onto the bed
- A man walks down a flight of stairs wearing a unicorn mask and a crepe paper outfit



- A man with an eyepatch drawn on his face with texter opens the door to a McDonald's delivery driver who hands him a delivery
- End frame features the words 'Make it McDelivery' and the McDelivery and Uber Eats logo.

The 30 second version features:

- A man is lying on the floor with his head resting on a skateboard, he wakes as sunlight from the window reaches his face
- A woman drinks a glass of water at the kitchen sink whilst wearing sunglasses
- Two women are walking down a street at dawn, one of them stops and shakes her head, the other encourages her to keep moving
- A man is asleep half off his bed
- A woman who was asleep at a table sits up, she has a post-it note stuck to her forehead which reads 'THE QUEEN'.
- Two young children enter a dark bedroom, opening the curtains and jumping on their sleeping parents
- A man with an eyepatch drawn on his face with texter opens the door to a McDonald's delivery driver who hands him a delivery
- End frame features the words 'Make it McDelivery' and the McDelivery and Uber Eats logo.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It condones drinking excessively

The ad promotes heavy drinking / drug use . Suggests it's ok because uber eats will deliver mcdonalds to make you feel better after a big night of partying.

I believe this add normalises excessive alcohol consumption and says it is all “fixed” by having some fast food and “safe” because it has been delivered.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for requesting a response to complaint number 003-20 (Complaint).

The Complaint refers to Free to Air advertisement for McDelivery which aired from 26 December 2019 to 2 January 2020 (Advertisement). The Complaint is made under section 2.6 of the AANA Code of Ethics (AANA Code) and alleges that the Advertisement is promoting material contrary to prevailing community standards on health and safety.



The Advertisement does not breach the AANA Code as it does not promote any unsafe behaviours. Contrary to the complaints raised, there is no depiction, mention or reference to alcohol or drug consumption in the Advertisement. Accordingly, there is no promotion of its use. The purpose of this Advertisement is to advertise the option of ordering McDonald's products through Uber Eats for the convenience of home delivery. The Advertisement simply shows multiple persons each waking up tired from what appears to be an entertaining night of celebrations for each of them, hence, the perfect situation to order McDonald's food for home delivery. These people may either be sober or hungover with that assessment to be made by the audience of the Advertisement.

McDonald's understands that humour is subjective and submits that the most reasonable members of the community would understand the sympathetic humour of the Advertisement and recognise that the Advertisement is not condoning or encouraging excessive alcohol consumption or drug use for that matter.

Accordingly, the Advertisement complies with the AANA Code and the Complaint should be dismissed. We have considered other matters under section 2 of the AANA Code of Ethics and submit that the Advertisement does not breach any of the other matters covered by that section or by any of the other applicable codes.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement promotes excess drinking.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the advertiser's response that the advertisement does not depict, mention or reference alcohol or drug consumption and that there is no promotion of their use.

The Panel considered that whilst both versions of the advertisement depict people waking up in the aftermath of party situation, there are no alcohol bottles or paraphernalia depicted in any of the scenes.



The Panel considered that there is an inference to people being hung over, in that they are depicted apparently suffering and uncomfortable, however considered that there is direct indication of alcohol consumption.

The Panel considered that the advertisement does not depict anyone undertaking unsafe behaviours, such as driving, whilst hungover.

The Panel acknowledged that binge drinking is a significant health issue in the Australian community, however considered that this advertisement did not depict people drinking and did not promote or condone excessive drinking.

The Panel determined that the advertisement did not depict material that most members of the community would consider to be contrary to Prevailing Community Standards on health and safety, and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.