



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0015/18
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/02/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

QSR - 1.1 - Advertising and Marketing Message Advertising and Marketing Message must comply

2.4 - Sex/sexuality/nudity S/S/N - general

2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

The First television Advertisement switches between scenes of a group of children and their grandparents having fun at the beach, the pools, bush tracks and in a home. 'Go Full Summer' appears.

In the Second Advertisement, two children and their grandfather are enjoying McDonald's food at home.

THE COMPLAINT

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

I am disturbed by the image where the very young girl in the light blue shorts climbs the inside of a door, consequently spreading her legs open. It is unnecessary, I would think in the current climate advertisers would not use images like this. Not quite Shirley Temple in burlesque, although makes you wonder how a young girl spreading



her legs in an ad is required. Leaves me wondering who produced the ad, and who lets this stuff pass.

The ad has photographic shots of the young girl walking and you can nearly see up to her bum cheeks (why photograph that????..left bum cheek)and when she is legs abreast on the door frame..(why focus on the pelvic area????)and the child lick the lolly pop is a bit suggestive???? camera focus also on the kids legs open. Not a gd look...I'm a 59yr old lady and when I saw these little subtle sexualized photo shots I thought. Did I just see that???...I'm not the only one who has noticed this...Could you guys please look at the ad carefully and I would like your opinion. Those shots don't NEED to be in the ad.. I hope you agree.

It is admittedly subtle, but definitely there in certain focuses the video takes and certain other themes and motifs. I do not wish to go into details but leave it to your refined ethical and moral judgment in your daily observance of all the the best public standards. Suffice to say that in my view it is deeply disturbing in its suggestiveness.

*I wish to bring your attention to the following TV advertisements... the McDonalds/go-full-summer advertisement...ref..<https://mcdonalds.com.au/go-full-summer>
This McDonalds advert is targeted to children thru apparent caring grandparents and shows blatant disregard for the health of children... as it may be too late for many older people ... it is extremely concerning that the authorities tasked with monitoring the health guidelines for our young allow such insidious adverts to be targeted at grandparent/child audiences...*

It is no secret that the obesity problem with our youth is on a steady increase and their expectancy may be less than their parents... apart from the costs to society... therefore if society has to be burdened by these unnecessary costs... so should the perpetrators who promote the problem... as an example KFC and their insidious adverts.. As mentioned above ..

I find these adverts not only offensive and at the expense of our children's health... thus the use of a totally irresponsible message as they exist only to promote the profit of this company thru the manipulation of caring but naive grandparents.

This advert should be exposed as to its insidious message and removed for our television the company held accountable for its actions.

<https://mcdonalds.com.au/go-full-summer>

please refer to the following statistics issued by the Aust Fed Govt.

<https://www.aihw.gov.au/reports-statistics/behaviours-risk-factors/overweight-obesity/overview>

Why is this allowed to be shown, though not of a sexual nature, most complain about young kids posing as models, but showing girls in underwear or swimsuits with legs WIDE open is stupid, REALLY McDonalds, and for what reason is this ?



Old guy hanging with kids clearly not related to him. Young children in various forms of clothing not suitable for viewers not him.acting creepy with the music saying I'm loving it!

There are some images of children from a rear view which are inappropriate and quite unnecessary to advertise the product

It strongly suggests an older man in party mode can dominate very young girls in summer knickers and it will all be great fun. I have never in my life complained about an ad but this is deeply subtle promotion of pedophilia and suggesting it is great for very young girls. In one shot in the middle the older man even has frightening fake teeth but that all is OK as it is all so wonderful later.

See above answers.

I am deeply offended by the advertisement s that are major sponsor s for many sporting events this exposing children and community members to this apparent soft porn use of children, disguised as happy family scenes that even depict deception or keeping secrets from the mother figure is okay. Deeply concerned about these advertising called "loving it "

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 0015/18 (Complaint).

The advertisement that is the subject of the Complaint is part of the 2017/18 summer brand advertisements for McDonald's (Advertisement). The Complaint is made under section 2.4 of the Australian Association of National Advertisers Code of Ethics (the AANA Code).

McDonald's were disappointed to receive the Complaint regarding the Advertisement; being not only a household family brand, but Australia's largest employer of youth, McDonald's prides itself on its representation of children and young people in its numerous marketing campaigns. Children and young people in our advertisements are always portrayed in a dignified and respectful manner that respects the integrity of the young actors involved. These advertisements are not open to obvious misrepresentation by our audiences, and are certainly not encouraging paedophilia or the sexualisation of children.

The Complaint's assertions that the Advertisement is paedophilic in nature are not only false, but plain ridiculous. The Advertisement embraces the essence of summer;



that those who enjoy summer most are those who let go and embrace the moment. The Advertisement direction was to capture an authentic moment amongst a group of kids running free and enjoying themselves in their own summer world under the supervision of their young-at-heart grandparents. The children are always under the watchful eye of the grandparents in the scenes of the Advertisement, and are seen to enjoy their presence, not feel uncomfortable from it. The young actors do not give an impression that they are older than they actually are. All are wearing comfortable and age appropriate clothing and goofing around and having fun as any kids would do. What the audience sees in the Advertisement is no different to what the audience will witness at the local beach or swimming pool during the summer season.

McDonald's is aware of the community sensitivity surrounding the sexualisation of children and continues to implement procedures to ensure the protection of the children appearing in its campaigns. Nonetheless, this is not an advertisement which should alarm the Advertising Standards Board (Board). If the Board were to uphold the Complaint, it would set a precedent that brands cannot use young children to market their children's swimwear collection, or use any young children in their marketing who are wearing swimwear – no matter how authentic the portrayal of the child is.

Furthermore, we reject the assertions of the Complaint that McDonald's is encouraging deceptive behaviour by children against their parents. This alleged 'deceptive behaviour' has been confused with the familiar cheeky behaviour of children that all parents have experienced. Nonetheless, if anything, the mother seems amused that the grandfather and children thought they could sneak one past her.

Accordingly, the Advertisement complies with the Code and so 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.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the "QSRI"), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). or Section 2 of the Advertiser Code of Ethics (the "Code").

The Board reviewed the advertisement and noted the advertiser's response.

The Board noted that McDonalds is a signatory to the QSRI and determined that the provisions of the QSRI apply to this marketing communication.



The Board noted that the QSRI is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Board considered the definition of advertising or marketing communications to children within the QSRI. The definition states that ‘Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.’ Under this initiative children means “persons under the age of 14 years of age.”

The Board noted that the QSRI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Board noted the advertisement had been given a ‘W’ rating by CAD and was aired at a time appropriate to the rating. The Board noted that advertisements with a W rating may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.

The Board noted that complainants had indicated that they had seen the advertisement at various times, mainly during the cricket. The Board noted the advertiser response that this was a program that does not attract an audience of greater than 35 per cent children under the age of 14 years and is not a program directed primarily to children.

On this basis the Board determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 percent or more of the audience of the Medium.

The Board noted that with regards to point 1 the Board must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Board noted that the dictionary definition of “primarily” is “in the first place” and that to be within the QSRI the Board must find that the advertisement is clearly aimed



in the first instance at Children under 14 and that it must have regard to the 'theme, visuals and language' used in determining this issue.

The Board noted they were considering two versions of the advertisements in the 'go full summer' campaign. The longer advertisement featured a group of children playing with their grandparents in the backyard, inside the house, at the beach and at McDonald's. The second advertisement depicted a grandfather with his grandchildren hiding a McDonald's cup before the children's mother arrives home. The mother then opens a cabinet to reveal a number of McDonald's cups.

The Board noted the first version of the advertisement featured Happy Meals along with other McDonald's products. The Board considered that the product being advertised was McDonalds in general, and not the kid's meal, and that this was a product that was not targeted primarily to children under the age of 14 years.

The Board noted the product being promoted in the second advertisement was a Big Mac meal promotion where you received a free Coke glass. The Board considered that this was a product that was not targeted primarily to children under the age of 14 years.

It is essential for the Board to consider all elements of the advertisement and to make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is clearly directed primarily to children.

The Board noted the theme of both advertisements was spending time with family and enjoying McDonalds. The Board considered this broad theme is a concept that is of appeal to adults or families as a whole and is not a theme that is directed primarily at to children.

The Board then noted the visuals of the first advertisement which shows an older couple looking after and playing with a group of children. The Board considered that the advertisement featured children playing on the beach, on a swing, in a doorway and on a trampoline. The older couple were shown playing with and interacting with the children. The group then goes to McDonalds to eat before finishing the night walking along the beach.

The Board considered while the first advertisement did show children playing and engaging in exciting activities the focus of the advertisement was on the family as a whole, and not on the children. The Board considered the visuals in the advertisement were of equal appeal to adults and children.

The Board then noted the visuals of the second advertisement which shows two children and their grandfather sitting around a table enjoying McDonalds. When they



hear the children's mother come home the grandfather hides the glass in the oven. The Mother then opens a cabinet to reveal a group of glasses.

The Board considered that the language used in the first advertisement included music and a song and the words 'go full Summer'. The Board considered that the language used in the second advertisement included music and a voice over describing the promotion.

The Board considered the language in both advertisements was directed at adults and not directed primarily to children under 14 years.

In this instance the Board considered that the theme, visuals and language of the advertisement was directed to adults and children and not directed primarily to Children under 14 years.

Based on the requirements outlined in the QSRI the Board considered that as the advertisements were not directed primarily to Children, did not appear in a medium directed primarily to Children and did not appear in a medium which attracts an audience share of more than 35% of Children, the QRSI does not apply in this instance.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

The Board noted in particular Section 2.2 which states: 'the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.'

The Board then noted the Practice Note to section 2.2 which states:

"The Board will not apply a legal test, but consider material subject to complaint as follows:

(1) In testing whether an advertising or marketing communication undermines the importance of a healthy lifestyle, the Board will consider whether the communication is disparaging of healthy foods or food choices or disparaging of physical exercise. Such disparagement need not be explicit, and the Board will consider the message that is likely to be taken by the average consumer within the target market of the communication."



The Board noted the complainant's concern that the advertisements target grandparents and suggests they should buy unhealthy food for their grandchildren.

The Board noted that the longer version of the advertisement depicted grandparents and children engaging in a variety of healthy activities before going to McDonalds for lunch. The Board considered that the children were depicted sharing fries with their grandparents and eating Happy Meals which consisted of nuggets, water and apple slices.

The Board considered the advertisement did show the adults and older children eating burgers, fries and soft drinks, however considered that, consistent with previous decisions (0101/14, 0262/15, 0593/16, 0057/17), the promotion of a product which may have a particular nutritional composition is not, per se, undermining the promotion of healthy balanced diets or contrary to prevailing community standards.

Similarly in the second advertisement the Board determined that the grandfather was depicted as eating a Big Mac meal, while the two children were shown with nuggets, apple slices and water, and this was unlikely to undermine the importance of healthy balanced diets.

The Board noted that the advertisements advertise the meals in a manner that does not disparage or refer to other food choices or exercise and that overall the advertisement does not undermine the importance of a healthy lifestyle.

(2) In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.”

The Board noted that the first advertisement depicts a large family group eating McDonalds together and that the food shown is not disproportionate for the number of people at the table.

The Board considered the complainant's concern that the second advertisement depicts a number of collectable glasses which suggest the grandfather and children eat at McDonalds regularly.

The Board considered the three meals shown in the advertisement were an appropriate amount of food for three people. The Board considered only the grandfather is seen with a collectable glass and the children are shown eating the healthier option. The Board considered that it was not known over what period the grandfather had collected the glasses and that the advertisement was not suggesting



that anyone try to order or consume multiple meals at once in order to collect all the glasses.

The Board noted that the advertisement does not suggest that the meal should be eaten regularly and considered that the promotion of a single meal does not of itself encourage excess consumption.

The Board considered that the advertisement does not depict, encourage or condone the excess consumption of the advertised product and determined that the advertisement did not breach Section 2.2 of the AANA Food Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience."

The Board noted the complainants' concerns that the children in the first advertisement were overly sexualised and that the man in the advertisement interacts inappropriately towards them.

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

The Board noted there is significant community concern around the sexualisation of children and that there are heightened sensitivities around paedophilia.

The Board noted that concern was generally raised around the first advertisement which depicted an older couple looking after a group of children for the day, including taking them to the beach and to McDonald's.

The Board noted the complainants' concerns that the advertisement focussed on the bottoms and pelvic regions of the girl's in the advertisement and that they were dressed inappropriately.

The Board considered the advertisement did show children, including young girls, wearing swimwear and rash tops. The Board considered that the clothing of the children was consistent with going to the beach and running through sprinklers in the back yard, and was not inappropriate and was consistent with the 'go full Summer' tagline of the advertisement.

The Board considered that parts of the advertisement were filmed from a low angle to give the perspective of a child however there was no focus on any particular body parts of the children.

The Board noted one scene which showed a young girl attempting to kiss a young boy and considered that although this scene may be seen to be slightly sexualised the



overall tone is one of innocence and fun and the children are not sexualised.

The Board considered that the advertisement did not sexualise children.

The Board then noted the complainants' concerns that the advertisement was paedophilic and that the older man in the advertisement is creepy and inappropriate.

The Board considered that the man in the advertisement is depicted as the grandfather of some, if not all, the children in the advertisement. The Board considered the advertisement also shows the grandmother and that the advertisement always depicts them in groups, in public. The Board considered there was no suggestion in the advertisement that the man behaves inappropriately towards any of the children at any point.

In particular the Board noted a scene in the advertisement where the grandfather was depicted lying in a hammock with a young boy lying face up on his chest, stroking his hair. The Board considered that this is normal affectionate behaviour between family members and is not sexualised in any way.

The Board considered that grandparents often look after their grandchildren during the holidays and this advertisement is depicting scenes from everyday family life.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the QSRI or the Food Code or the Code of Ethics the Board dismissed the complaints.

