



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0043-20
2. Advertiser :	McDonald's Australia Limited
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	Transport
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption
AANA Food and Beverages Code\3.5 Pester Power
AANA Advertising to Childrens Code\2.7 Parental Authority

DESCRIPTION OF ADVERTISEMENT

This transport advertisement is promoting the Grand Big Mac. The advertisement features an image of the product and the text, "Huge News, It's Back! Grand Big Mac".

THE COMPLAINT

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

I have literally seen this ad hundreds of times on buses, and on the roadside when I have been out and about with my children during the school holidays. The constant visual posters seen during one journey is outrageous and encourages children to pester their parents to go to McDonald's. Further to this, the Grand Big Mac encourages excessive calorie consumption. One Grand Big Mac (excluding coke and fries) is 3800 kJ, 11 teaspoons of fat and more than 3/4 of recommended daily sodium intake for an adult. The majority of adults and a quarter of children are overweight or obese in Australia today. It is totally irresponsible of McDonald's to add to the obesity rates by bombarding the public with ads to buy this calorie dense, nutrient poor product.



THE ADVERTISER'S RESPONSE

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

The Complaint refers to a bus advertisement for the Grand Big Mac (Advertisement). The Complaint is made under sections 2.2 and 3.5 of the AANA Food and Beverage Code (Food Code) and section 2.7 of the AANA Advertising to Children Code (Children's Code), together the Codes.

The Advertisement does not breach the Codes for the reasons stated below:

Reason 1: The Advertisement does not promote excessive consumption

The Advertisement does not promote excessive consumption, it is simply an advertisement for the Grand Big Mac Burger. No health, nutrition or ingredient claims or statements are made in the advertisement. It is not encouraged through the Advertisement to purchase the Grand Big Mac burger for breakfast, lunch and dinner or to consume multiple of these in a close sequence. This would be appropriately classified as excessive consumption.

Reason 2: This Advertisement is not advertising to children

The Advertisement is not advertising to children as it does not contain themes, visuals or language of primarily appeal to children. It is a standard broad appeal Advertisement. Furthermore, the Advertisement has been placed on public transport vehicles, not on dedicated school buses. With any outdoor advertising, there is no way of guaranteeing who does and does not see our transit ad, however McDonald's have ensured that media was not purchased in areas near schools, or on school buses.

Accordingly, the pester power section of the Food Code and the Children's Code does not apply.

In conclusion, the Advertisement complies with the Codes 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 (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) or the AANA Code for Advertising and Marketing Communications to Children (the Children's Code).



The Panel noted the complainant's concern that the constant visual posters encourages children to pester their caregivers to buy unhealthy options, and encourages excess consumption.

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

The Panel considered whether the advertisement complied with relevant provisions of the Food Code.

The Panel considered section 2.2 of the Food Code 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 Panel noted that the advertised product is a large burger. The Panel considered that, consistent with previous decisions (Ferrero 0345/17, Hungry Jacks 282/11, and Mondelez 0550/17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy balanced lifestyle.

The Panel noted the AANA Food and Beverages Advertising and Marketing Communications Code – Practice Note which provides that: "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 Panel will consider whether members of the community in the target audience would most likely take a message condoning excess consumption."

The Panel noted the complainant's concern that the frequency at which they viewed the advertisement added to the call to action to buy unhealthy food, however the Panel considered that its role is to consider the content of individual advertisements not the frequency.

The Panel noted that the advertisement depicts the burger on its own and it is not accompanied by any drinks or sides. The Panel noted that a disclaimer at the bottom of the advertisement reads 'Available after 10:30am for a limited time only. Serving suggestion.'

The Panel considered that stating the product is only available for a limited amount of time is not an encouragement to consume excessive amounts of the product. The Panel considered that the advertisement did not contain a call to action to eat the product in excessive quantities.



The Panel considered that the advertisement did not encourage excess consumption. The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

The Panel considered whether the advertisement complied with 3.5 of the Food Code.

To fall within this section of the Code, “Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children [14 years and younger] and are for Children’s Food or Beverage Product”.

The Panel noted that Children’s Food or Beverage Product means, “any food or beverage product which is targeted toward and has principal appeal to Children.”

The Panel considered that the product advertised is the Grand Big Mac which is a large burger. The Panel considered that the product may have appeal to some Children aged 14 and under, however the size of the burger would make it more likely to be of principal appeal to older teenagers and adults. The Panel considered that the Grand Big Mac is not a product which is targeted toward or has principal appeal to Children aged 14 or under. The Panel therefore considered that Section 3 of the Food Code did not apply.

The Panel then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (The Children’s Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (The Food Code), “Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

For the reasons outlined above, the Panel considered that the advertisement is not directed primarily to Children and the Children’s Code does not apply.

Finding that the advertisement did not breach the Food Code or the Children’s Code the Panel dismissed the complaint.