



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0046/11</b>
<b>2</b>	<b>Advertiser</b>	<b>McDonald's Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/02/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message

### DESCRIPTION OF THE ADVERTISEMENT

This television commercial shows children imagining what they would do if they had money to help their local community. The first child imagines a grotty area being revitalised, graffiti gone and a new playground installed. The second child imagines renovating the local swimming pool so that her mum can teach swimming lessons, and the last child imagines building some seating at the local cricket pitch so his grandparents can watch him play. The voiceover explains to parents how their child could be a local hero like these kids, by entering the Happy Meal : Mighty Me, Mighty Us grants competition.

### THE COMPLAINT

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

*I am offended that children and parents are being encouraged to buy Happy Meals so that they can try and be a neighbourhood hero. I have no problem with McDonald's supporting the community or community projects but this should not be contingent on children buying Happy Meals. People should not be bribed into eating this type of food in the hopes of being a 'hero'.*

*I find this extremely inappropriate in a time when childhood obesity has become such a national problem. This kind of bribery of children and potentially adults is inappropriate and wrong.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to the above complaint which alleges that McDonald's' "Mighty Me, Mighty Us" Happy Meal television commercial ("TVC") is in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children ("QSR Initiative").*

*First, we thank the Board for the opportunity to respond and acknowledge the importance of industry commitment to the self-regulation of advertising in Australia.*

*We make a conscious effort within the business to ensure we fully comply with all of the advertising codes through the ongoing training and development of our marketing teams as well as externally with our advertising agencies. Based on our understanding of the QSR Initiative, we believe that the advertisement in question is not in breach of that Initiative or any other applicable code or standard.*

*In response to the anonymous complaint, we comment as follows:*

*First, this TVC does not fall within the definition of "Advertising or Marketing Communications to Children". This TVC is targeted towards parents which is clear from the voiceover that speaks to parents directly, for example "Imagine the difference your child could make. Help them use their next Happy Meal to tell us in 100 words or less..."*

*Secondly, the commercial clearly features a Happy Meal which meets the Nutrition Criteria set out in the QSR Initiative (and we note that the nutritional information for this meal has been supplied to the ASB previously). So, even if children do see this commercial, it is still in keeping with the Initiative.*

*Further, the children that are featured in the TVC are either talking about or are engaged in active pursuits such as swimming and cricket. This type of portrayal is consistent with the QSR Initiative's requirement to represent healthier lifestyles.*

*Finally, the TVC is providing a positive message for families about contributing to the local community. Mighty Me, Mighty Us is a program that raises funds for Ronald McDonald House Charities to assist seriously ill children and their families. Aligning the program with Happy Meals provides parents with a tool, should they choose, to teach their children about community engagement and the benefits of giving back.*

*In respect of other aspects of the codes administered by the AANA and ASB, we cannot see that this television commercial is in breach of any of them and submit that this complaint should be dismissed.*

*Thank you for considering our submission, we await the decision of the Board.*

## **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 QSR Initiative), Section 2 of the AANA

Advertiser Code of Ethics (the “Code”) and the AANA Code for Advertising and Marketing Communications to Children.

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

The Board noted the complainant’s concern that the advertisement is directed to children and encourages them to buy Happy Meals in order to be a ‘hero’, and that it is inappropriate given the rise in childhood obesity.

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

The Board noted that the QSR Initiative applies to ‘advertising or marketing communications to children’ which means ‘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.’

The Board noted the advertiser’s response that this advertisement is targeted towards parents. The Board noted the voiceover says, “Imagine the difference your child could make...” and considered that the language, tone and visuals of the advertisement were directed at parents, not children.

The Board noted that in this instance the QSR initiative would not apply and that even if it did, the advertisement shows children talking about or participating in healthy activities, and the Happy Meal featured in the advertisement meets the Nutrition Criteria set out in the QSR Initiative.

The Board then considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children.

For the reasons mentioned above, the Board determined that the advertisement is not directed primarily to children therefore this Code does not apply in this instance.

The Board then considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”). The Board considered that there were no issues under any of the sections of the Code that raised issues of concerns in relation to this advertisement.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board dismissed the complaint.

