



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0059/18
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/02/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a grandmother pouring McDonald's Shaker Fries seasoning onto her fries. The advertisement then pans out to reveal she is sitting on a trampoline with her two grandchildren jumping on either side of her.

THE COMPLAINT

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

Safety concerns about encouraging multiple people using a trampoline together.

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 0059/18 (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 2.6 of the Australian Association of National Advertisers Code of Ethics (the AANA Code) and alleges the McDonald's, through its Advertisement, is promoting unsafe behaviour by allowing three people on a trampoline at one time.

McDonald's is aware of the campaign run by the Australia Competition and Consumer Commission (ACCC), Blake Gaudry, and Kidsafe which highlights the community standards in respect of trampoline use by children. We understand that trampolines can put children at risk of serious injury, particularly when used inappropriately. McDonald's takes safety very seriously, and in the filming of the Advertisement all precautions were taken to ensure the safety of the two young girls and the actress when they were filmed. This included a safety supervisor on set monitoring the shoot who was accompanied by a nurse who was tasked to identify any issues during filming to which the team would respond accordingly. Additionally, the selection of a brand new trampoline with no springs, no exposed frames, and a safety net (to the height of 4.5 metres) which completely surrounds the trampoline.

McDonald's acknowledges the ACCC's recommendation to ensure only one child at a time uses the trampoline. Despite this being the highest safety standard, this standard is not compulsory. What McDonald's depicts through the Advertisement might not meet the highest standard recommended, but it does not go outside the scope of prevailing community standards. The intention of the AANA Code is not to require that advertisers only show the most up to date, highest safety standards in all materials, but that advertisers do not depict highly unsafe activities, particularly those that are likely to be copied.

If a child were to copy the actions of the actors in the Advertisement, it will not cause a safety hazard. Despite the fact that there were three persons on the trampoline at once, they were on a large trampoline which had a large safety net, were not seen to be jumping erratically or in an uncontrolled manner and were adequately supervised, with the grandmother sitting on the trampoline. Additionally, the Advertisement was filmed in an open back yard with the trampoline was placed in a safe position, on level ground and on a grassy surface with a hazard free surrounding.

Furthermore, in case 0269/15, the Board considered a complaint directly applicable to this Complaint. In its determination, the Board considered that "it is common practice for parents to let more than one child use a trampoline at a time and [in the advertisement] the children [were] well supervised and the overall scenario is one which would meet community standards on health and safety". This reasoning was used to determine that the advertisement did not breach the AANA Code. The Board should apply this reasoning to the Complaint.

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 Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement depicted three people on a trampoline which is against guidelines on safe trampoline use.

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

The Panel considered 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 television advertisement depicts a woman and her two grandchildren on a large trampoline.

The Panel noted the complainant’s concern that the advertisement shows multiple people using a trampoline at once which is unsafe.

The Panel noted the advertiser’s response that the advertisement depicted three people on a large trampoline with a safety net and that it did not show anyone jumping erratically or in an unsafe manner.

The Panel noted they had previously considered the issue of trampoline safety in case 0269/15, in which:

“The Board noted the ACCC Media Release regarding trampoline safety (<http://www.accc.gov.au/media-release/trampoline-safety-is-flippin%E2%80%99-important-8-kids-injured-every-day>). The Board noted the trampoline depicted in the advertisement has safety padding and a net, appears in good condition and is set up in a safe location.

The Board noted the two boys in the advertisement are being monitored whilst they bounce on the trampoline and that this scene is very brief. The Board noted that its role as a community Board is to make decisions in-line with community standards.

The Board noted the ACCC safety advice but considered that it is common practice for parents to let more than one child use a trampoline at a time and in the current scenario the children are well supervised and the overall scenario is one which would meet community standards on health and safety.”



Consistent with the previous determination, the Panel considered that the depiction of three people on a trampoline in the current advertisement, with the adult sitting down and the children not jumping highly, was not unsafe and was consistent with current community standards on trampoline use.

The Panel considered that the advertisement was for 'shaker fries' and the depiction of the adult having her food shaken is relevant to the product being advertised. The Panel considered that the focus of the advertisement is on the chips not the trampoline.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding trampoline use. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

