



Case Report

1	Case Number	0091/11
2	Advertiser	Australian Fast Foods
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message

DESCRIPTION OF THE ADVERTISEMENT

The “Real Quick Fix – Snack Burger” advertisement depicts a male aged approximately 25 years searching his apartment for loose change. The voiceover says “You don’t need a lot to get a real quick fix at Red Rooster”.

The “Real Quick Fix” Snack Burger components are then shown separately and then together, with the \$4.95 price. The voiceover says “Get our real chicken Snack Burger, famous Chips and real Coke, all for under five bucks”.

The adult male is then shown taking a bite of the Snack Burger product. The logo is shown at closing with the voiceover statement “For a real quick fix, it’s gotta be red”.

THE COMPLAINT

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

*Red Rooster Advertisement in breach of the Quick Service Restaurant Industry Initiative
We write to complain about the Red Rooster advertisement that we consider to be in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSR II).*

We believe that the advertisement breaches clause 4.1 of the QSR II because it is Advertising and Marketing Communication to Children for food (Red Rooster meal) which does not represent a healthier choice according to the QSR II nutrition criteria.

The advertisement was directed to children as it was shown during the children's movie Madagascar-Escape 2 Africa and My Kitchen Rules.

Overview of advertisement

Young man finds coins in his couch voiceover says "you don't need a lot to get a real quick fix.... real chicken snack burger famous chips and real coke".

The advertisement was broadcast

At 7:11pm 19th February on Seven Digital Sydney during Madagascar- Escape 2 Africa a children's movie; and during My Kitchen Rules on Seven Digital Sydney on 14th February at 8:31pm

Advertising and Marketing Communication to Children

The advertisement for Red Rooster Real Quick Fix was shown in the children's movie Madagascar- Escape 2 Africa which started at 6:30pm which is indicative of Channel 7 considering it to be a children's movie. It was also shown during My Kitchen Rules a program with a large children's viewing audience.

Nutrition criteria

The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSR II require that a meal must not exceed maximum limits of 2770kJ for children 9-13 years saturated fat (0.4g per 100KJ) sugar (1.8g per 100KJ) and sodium (650mg per serve).

It is clear that the meal advertised does not meet this criteria. According to nutrition information on the Red Rooster website the meal contains 3476kJ and 1089mg of sodium per serve. This meal therefore fails to meet the QSR II nutrition criteria.

For the reasons set out above we believe the Red Rooster advertisement breaches clause 4.1 of the QSR II.

THE ADVERTISER'S RESPONSE

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

Please find below three key areas (labelled A-C) identified by the complainant and Red Rooster's response to each.

A. Alleged breach of Clause 4.1 QSR II for not representing a healthier choice. The Real Quick Fix Snack Burger was created with a clear intent to appeal to Red Rooster's target demographic of people aged 25-39. The scenario used in the advertisement deliberately involves an adult male in his apartment searching for change. The inference is that Red Rooster Real Quick Fix meals are excellent value.

The QSR II is intended to ensure that direct promotion and advertising to children (under 14 years) represent healthier meal choices.

Given that Red Rooster's core demographic are not children, this advertisement was not intended to conform with the nutritional criteria of the QSR II.

*B. Broadcast during My Kitchen Rules and Madagascar 2 Escape to Africa
The two programs mentioned by the complainant are promoted by their networks as appealing to the family market which typically includes 25 -39 year olds (Red Rooster's core demographic) who make meal purchasing decisions on behalf of the family.*

Both My Kitchen Rules and Madagascar 2 Escape to Africa carried a "PG" classification. While the "G" classification attained for the Real Quick Fix – Snack Burger means that Red Rooster was permitted to advertise within both programs.

It should be noted that the ASB Food and Beverage Code identifies specific programs likely to appeal primarily to children, and My Kitchen Rules is not listed amongst them. Data retrieved from Mitchell and Partners (Red Rooster's nominated media agency) regarding the viewing audience of Madagascar 2 Escape to Africa indicate 67% of the audience of Madagascar 2 Escape to Africa were aged 18+. Red Rooster therefore believes that Madagascar 2 Escape to Africa is not a program primarily directed to children or likely to have predominantly child audiences.

*C. Deliberately targeting children
Red Rooster's core demographic is 25-39 year olds and all our advertising and marketing communications materials are designed with that group firmly in mind.*

The creative treatment of the Real Quick Fix range of products, are intended to depict scenarios that are relevant to our core demographic. The advertisements do not depict children under 14 years in any of the scenarios, nor contain any other creative device such as music, graphics or visuals that could be deemed to be fundamentally appealing to children.

Children's products make up less than 2% of Red Rooster's total sales and a very small percentage of Red Rooster's total menu. This is evidenced by the limited range of children's meals available – the Little Red Rooster meal range (total of four products). Since signing the QSRII Red Rooster has ceased advertising children's meals on television and within all other environments. The only location where Little Red Rooster meals are promoted is within the store environment.

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 noted the complainant's concern that the advertisement is directed to children as it is shown in a children's movie and promotes unhealthy food to children.

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

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.’ Under this initiative children means “persons under the age of 14 years of age.”

The Board noted that the program in which the advertisement is shown is not relevant to the determination of whether or not an advertisement is directed primarily to children.

The Board noted that the advertisement features a description of a Real Quick Fix meal, with the voiceover describing the value of the meal deal. The Board considered that the meal as described in this advertisement – primarily in terms of value and then images of the components of the meal which do not include any of child focused products - would have principal appeal to adults. The Board considered that the language used in the voiceover was aimed at adults.

The Board considered that the overall theme (the Real quick fix value meal), visuals (a young man searching the house for a spare change) and language used are not directed to children. The Board considered that this advertisement is not directed primarily to children and therefore that the provisions of the QSR Initiative do not apply.

The Board then considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children. The definition of what is advertising and marketing communications to children' in the AANA Children's Code is largely the same as that in the QSR Initiative. For the same reasons noted above, the Board considered that this advertisement is not primarily directed to children; therefore the provisions of the Children's Code are not applicable in this case.

The Board then considered the advertisement under the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). The Board considered that an advertisement for a Real Quick Fix meal is not, of itself, an advertisement that would 'otherwise contravene prevailing community standards'. In the Board's view, the advertising of a product that is high in energy, fat and salt and does not meet criteria for a 'healthy choice meal' does not of itself breach community standards. The Board determined that the advertisement did not breach section 2.1 of the Food Code.

The Board then considered section 2.2 of the Food Code which provides that: Advertising or marketing communications for food or beverage products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sized disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.’

The Board also noted the AANA Food and Beverages Code Practice Note which the Board must apply in interpreting the Food Code. In relation to section 2.2 the Practice Note provides;

This section contains two separate obligations. Failure to meet either one will be considered a breach of the Code.

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

- 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.

- 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 will also consider the age of the person shown in association with the product, recognizing for example, that a teenage male may often consume more than a female or younger child and this may not be a representation that encourages excess consumption in the situation portrayed.

In relation to the first component of section 2.2 the Board noted that the advertisement depicts the meal without any suggestion of it being suitable for a particular meal (ie: lunch or dinner). There is no reference, explicit or implied, that the meal should be consumed daily or even regularly. The Board considered that the depiction of a product that is of itself high in fat, salt and energy is not disparaging of healthy food choices. The Board considered that the advertisement does not, by the mere advertising of a particular product, undermine healthy dietary choices messages. The Board determined that the advertisement did not breach the first element of section 2.2.

The Board considered the second element of section 2.2 relating to excess consumption. The Board considered that the advertisement did not represent the product or portion size in a manner that was disproportionate to the setting portrayed. The Board also considered that it is not a current community standard that advertising or consumption of a 'meal' such as the advertised product is of itself unacceptable on an occasional basis. The Board considered that the advertisement makes no reference to frequency of consumption and that the overall impression of the advertisement is not a message that condones excess consumption even if

consumption of the particular product on one occasion will lead to a high energy intake. The Board determined that the advertisement did not breach the second element of section 2.2.

The Board noted that Part 3 of the Food Code does not apply as the advertisement is not directed primarily to children and is not for a product that is of principal appeal to children and determined that the advertisement did not breach any other provisions of the Food Code.

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