



Case Report

1	Case Number	0095/16
2	Advertiser	Hungry Jacks
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a presenter dressed in a Hungry Jack's uniform. He announces that Hungry Jack's beef burgers now have no added hormones. We then see a number of responses from members of the public before we cut to the Hungry Jack's end frame.

THE COMPLAINT

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

No beef be it Hungry Jacks, McDonald's, dominoes any Supermarket doesn't have hormones in it. Hungry Jacks word there ad like all other beef is pretty much poisonous except theirs horrible marketing ploy.

The ad implies there are no hormones in its product. But the actual wording is that they are not adding or more hormones than previously was the case. In other words, their product still has hormones, but they haven't added any.

Hungry Jacks' biggest competitor is McDonalds, who have used 100% Australian Beef for several years, and all Australian beef is hormone free, so I feel this advertisement is misleading.

THE ADVERTISER'S RESPONSE

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

These complaints reference the TVC entitled 'No added hormones'.

Both TV commercials (15 seconds and 30 seconds) were aired nationally on Free to air and on subscription TV. The target audience was male & females between the ages 18-50 years old.

With regards to the claims of '100% beef' and 'no added hormones' please refer to the attached substantiation – as supplied to CAD.

In specific response to each of the complaints:

Our TVC is incredibly clear that our beef burgers have 'No added hormones' – in no way does this imply that the beef is 'hormone free'. All cattle have naturally occurring hormones.

At no point do we reference McDonalds in our TVC. However in response to the above, please see the below statement from McDonalds website:

“About 40% of Australian cattle are raised using hormone growth promotants (HGP)s, so some of our beef will be from cattle that have used HGP)s. HGP)s have been used in the Australian beef industry for over 30 years and they are naturally occurring or synthetic hormones that supplement natural hormones in cattle to stimulate growth”.

*The source for the above statement is -
<https://yourquestions.mcdonalds.com.au/questions/19713>*

Our beef has always been 100% Australian – we previously used a combination of hormone and no added hormone beef. As per the script in both TV commercials we can now guarantee that our beef is all 100% Australian with no added hormones.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainants’ concerns that the advertisement is misleading in its claims that Hungry Jack’s beef now has no added hormones because all Australian beef is free from added hormones, and there is also the implication that Hungry Jack’s competitors do have added hormones in their beef products.

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

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. In particular the Board considered section 2.1 of the Food Code which provides:

'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board noted that the advertisement features a presenter wearing a Hungry Jack's uniform declaring that Hungry Jack's can now guarantee that their beef has no added hormones before going on to interview various people on the street to get their reactions to this news.

The Board noted it had previously dismissed a similar complaint in case 0019/11 where:

“The Board considered that the message of the advertisement was that Coles Beef does not contain any added hormones. The Board noted the advertiser's response that all beef sold in Australia is not hormone and antibiotic free and that Coles is paying its beef suppliers more to cover the higher production costs they'll face without Hormone Growth Promotants. Based on the advertiser's advice that the beef they now sell does not contain added hormones, the Board considered that the message that a consumer would take from the advertisement was not misleading.”

In the current advertisement the Board noted that the main message of the advertisement is that the beef used at Hungry Jack's does not contain added hormones. The Board noted the substantiation provided with the advertiser's response that their beef is sourced solely from Australian farms and that these farms guarantee that no added hormones are used. The Board noted the complainants' concerns that all beef contains hormones and considered that whilst all cattle will have naturally occurring hormones the advertisement clearly makes reference to added hormones, not naturally occurring hormones, and considered that the advertiser's statement is factually correct with regards to the hormone content of their beef products.

The Board noted the complainants' concerns that the advertisement implies that McDonald's does use beef with added hormones. The Board noted that whilst the advertisement does make reference to Hungry Jack's "key competitor" the Board considered that McDonald's is not actually named. The Board noted that the nutritional profile of both Hungry Jack's and McDonald's food and beverage products are available on their respective websites and considered that McDonald's do state that some of their beef will be from cattle that have used hormone growth promotants (<https://yourquestions.mcdonalds.com.au/questions/19713>). The Board considered that the advertisement's statement that they "do not use beef with added

hormones, unlike a key competitor”, is not a misleading statement as Hungry Jack’s do not use added hormones and as the competitor is not named, even if you interpreted this statement as referring to McDonald’s, then the statement appears to be factually correct based on the information on McDonald’s website.

The Board acknowledged that there is a level of community concern around the added hormones in food and considered that whilst the focus on promoting beef with no added hormones does imply a level of harm from eating beef which does have added hormones in the Board’s view this implication is implicit and not sufficiently strong enough to breach the Food Code.

Based on the above the Board considered that the advertisement was not misleading in its statement that Hungry Jack’s beef does not contain any added hormones.

The Board determined that the advertisement did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code the Board dismissed the complaints.