



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0099-22
2. Advertiser :	McDonald's Australia Limited
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	25-May-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement depicts close up scenes of a burger. A voice-over says: "By itself the combo of tender Aussie chicken, cheese, tomato and aioli is deluxe. But add another piece of chicken and you're in double chicken deluxe town. Chicken & Macca's. Together and Lovin' it."

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The problem with the advert is the burger on the advert shows real chicken in the burger whereas in real life all you get is the reconstituted chicken which is a lower grade and nowhere the quality we expect. I'm sick of seeing pictures of products that show one thing and what you actually receive is completely different. Regards

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 0099-22 (Complaint).

We note that the Complaint has raised issues under the following codes of practice:

AANA Food and Beverages Code – section 2.1;

McDonald's takes its obligations seriously in respect of adherence to all the codes of practice administered by Ad Standards. McDonald's entirely refutes any suggestion in the complaint or otherwise that the Advertisement breaches the Codes. Please see details below.

AANA Food and Beverages Advertising Code:

Section 2.1 provides the following:

"2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive".

In the current case, the complaint claims "the problem with the advert is the burger on the advert shows real chicken in the burger whereas in real life all you get is the reconstituted chicken"

We submit that our advertisement does not breach section 2.1 on the basis that the Double Chicken Deluxe burger at McDonald's is made with 100% Aussie RSPCA approved chicken breast. The Chicken patty is made using whole chicken breast and/or portions of whole breast. The process for this product is as follows: marination of chicken breast or chicken breast pieces; forming into a uniform shape; crumb coated; par-fried, then frozen. When you bite into the crumbed marinated chicken portion you would see the typical chicken meat appearance.

Given the above, the advertising does not depict material that is misleading or deceptive or likely to mislead or deceive.

AANA Advertising to Children Code

We note that this Code is only applicable if the Advertisement is considered as Advertising or Marketing Communications to Children.

We submit that this Code is not applicable to the Advertisement considering the age of the characters in the Advertisement, the language used by the characters and the visuals and theme of the Advertisement have a primary appeal to adults rather than children aged 15 years or younger.

AANA Code of Ethics

McDonald's does not believe the Advertisement is in breach of the following parts of section 2 of the Code of Ethics:

- 2.1 – Discrimination or vilification;*
- 2.2 – Exploitative and degrading;*
- 2.3 – Violence;*
- 2.4 – Sex, sexuality and nudity;*
- 2.5 – Language;*
- 2.6 – Health and Safety; and*



- 2.7 – Distinguishable as advertising

AANA Food and Beverages Advertising Code

McDonald's does not believe the Advertisement is in breach of any of the other parts of the Food and Beverages Advertising Code.

Conclusion

McDonald's concludes that the Advertisement does not breach any of the codes, and in particular does not portray its products in a misleading or deceptive way. Therefore, McDonald's respectfully disagrees with the complaints and request that the Panel dismiss the complaint on this basis.

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 Code).

The Panel noted the complainant's concern that the advertisement is misleading by depicting real chicken, when the actual product uses reconstituted chicken which is a lower grade and not the quality expected.

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

The Panel noted that the product advertised is food and that therefore the provisions of the Food Code apply.

Section 2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

The Panel Noted the Practice Note to this section of the Food Code which includes:

"In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement."

The Panel noted that the target audience for this advertisement would be fast food consumers.

The Panel noted that reconstituted chicken refers to a paste- or liquid-like chicken product that is produced from grinding various parts of chicken.



The Panel noted the advertiser's response that the advertised product is not treated in such a way, but rather chicken breast is marinated and then moulded into a shape more suitable for placement on a burger. The Panel further noted the advertiser's response that the final product does have the appearance of normal chicken meat.

The Panel acknowledged that some fast food products are made using reconstituted meat, however considered that this does not mean that all products use the same process.

The Panel noted that generally most consumers expect that a food as promoted on television will be presented in a way that makes the food appear most desirable. In the Panel's view, consumers expect a certain amount of puffery or exaggeration in such images and such puffery does not necessarily mean that the advertisement is misleading or deceptive.

Overall the Panel considered that the advertisement was not designed to be misleading or deceptive and was communicated in a manner appropriate to the understanding of the target audience.

Section 2.1 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaint.