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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0116/19
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	08/05/2019
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

QSR - 1.5 - Product/vouchers at childrens sporting events products/vouchers meet nutritional criteria

## DESCRIPTION OF THE ADVERTISEMENT

A Happy Meal voucher attached to a Sports Award.

## THE COMPLAINT

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

*Childhood obesity is a major concern in Australia today. We should not be encouraging deep fried food as a reward for doing sport. The picture of the meal advertised was a 'Happy Meal' consisting of water, apple slices and deep fried chicken nuggets. Although this is the 'healthier' version of the Happy Meal, it still contains deep fried product which is not permitted according to the Australian Guide to Healthy Eating, and we should not be encouraging this. In addition the small print DOES NOT state what type of Happy Meal, I would deduce that a child would actually pick the standard Happy Meal ie. burger, chips and coke. Providing a Happy Meal voucher for McDonald's encourages pestering from siblings and I'm guessing when the family*



*goes to McDonald's that they will end up buying unhealthy burgers/chips/sugary drinks for themselves and their other children. This promotion is a plain targeting campaign to get more families through the doors of McDonalds, and I think they should stop targeting children and their families.*

*This award is in breach of the code on food advertising to children. Although the picture includes a healthier option, the text of the voucher allows any type of happy meal to be redeemed.*

*I submitted a complaint about this same award last year and the complaint was upheld. I was told that Ad Standards couldn't ask McDonalds to withdraw the vouchers from circulation. However, this year they have done the same thing - providing a food voucher to children - this is considered advertising of a happy meal to children.*

#### **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 0116/19 (Complaint).*

*The Complaint refers to a Happy Meal voucher distributed as part of a children's sporting match award (Voucher). The Complaint is made under section 1.5 of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI).*

*The Voucher does not breach the QSRI for the reasons stated below:*

*The food items displayed on the Voucher comply with the nutrition criteria of the QSRI*

*The QSRI allows the distribution of vouchers at children's sporting events if those vouchers comply with the nutrition criteria of the QSRI (Nutrition Criteria). The Voucher complies with the Nutrition Criteria as it requires that meals must have at least a main item and a beverage. The food items displayed on the Voucher contains these items, namely the 3 Chicken McNuggets, apple slices and 250mL water.*

*The Nutrition Criteria also requires that meals must not contain more than 2080 kJ per meal when targeted at the age group of 4-8 years. The food selection shown on this Voucher contains 705 kJ.*



*The meal also does not exceed the maximum limits as prescribed in the Nutrition Criteria. The Nutrition Criteria requires that meals must not contain more than: 0.4g of saturated fat per 100kJ, 1.8g of sugar per 100kJ and 650mg of sodium per serve. The food selection shown in this Voucher contains 0.0016g of saturated fat per 100kJ, 0.0101g of sugar per 100kJ and 218mg of sodium per serve.*

*The content of the Voucher encourages a healthy lifestyle*

*The QSRI requires that advertising and marketing communications to children for food must also reference, or be in the context of, a healthy lifestyle, designed to appeal to children through messages that encourages good dietary habits and physical activity. The Voucher complies with this requirement through the images on the Voucher showing a cartoon image of a boy and girl on a sports team supported with the caption, "get out and about with your friends today!"*

*Children cannot redeem the Voucher without a parent/ guardian present*

*We acknowledge that despite the Voucher displaying a Happy Meal selection that complies with the Nutrition Criteria, it still allows the redeemer of the Voucher to select a Happy Meal variation which does not. Nonetheless, the redeemer of the Voucher is the parent or carer of the child. The terms and conditions clearly state that a parent or carer must be present for a child under 14 years to redeem this Voucher and this is enforced in the restaurant. Hence, the decision making of the selection remains with the adult with nothing displayed on the Voucher to give children the idea to order anything else.*

*Accordingly, the Voucher complies with the QSRI 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.*

*As a founding member of the Quick Service Restaurant Initiative (QSRI) for Responsible Advertising and Marketing to Children we take our responsibility as an advertiser very seriously. We were disappointed to learn of the complaint and we have taken the vouchers out of circulation. McDonald's continues to remain committed to ensuring compliance with the QSRI.*

## **THE DETERMINATION**



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSR Initiative).

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

The Panel noted the complainants' concern that the advertisement is advertising fast food to children.

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

The Panel considered then whether the material is advertising or marketing communications to children. The definition states that '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 Panel noted the advertisement is featured on a sports certificate handed out to children who have taken part in a soccer match and was given to a six year old. The advertisement include the heading 'your reward', the words 'Happy Meal', a picture of a happy meal box, three chicken nuggets, apple slices and water and a cartoon image of a boy and girl in sports uniforms running with the words 'get out and about with your friends today!'. The Panel noted that the certificate is a voucher for a Happy Meal which is a product of principal appeal to children, and is available as a voucher at sporting events and is therefore targeted towards children.

The Panel considered that the theme, visuals and language used in the advertisement are all directed primarily to children and that this advertisement did fall under the provisions of the QSRI on the basis that it is a marketing communication directed primarily to children for a food product.

The Panel considered the complaint under Schedule 1.5 of the Code which provides:

"Signatories must not give away food and/or beverage products or vouchers to Children as awards or prizes at Children's sporting events unless those products meet the Nutrition Criteria."

The Panel noted that the advertisement was a voucher given to a children as an award at a sporting event. The Panel noted the complainants' concerns that this voucher entails advertising unhealthy products to children.

The Panel noted the advertiser's response that the food items displayed on the voucher comply with the nutritional criteria of the QSRI.



The Panel noted it had previously sought advice on the nutritional content of the meal depicted on the voucher in case 0281-15, in which:

“The advertiser provided the relevant nutritional information and in this case the Arbiter advised that: “Based on this analysis, the nutritional composition of the Happy Meal is consistent with the nutrition criteria outlined in McDonalds Company Action Plan.” Further the Arbiter advised that: “the Happy Meal consisting of 3 chicken nuggets, ketchup, apple slices and water, that is advertised on the McDonalds Happy Meal website ([www.happymeal.com.au](http://www.happymeal.com.au)) is not inconsistent with accepted government or scientific standards and the advertising of the Happy Meal does not therefore constitute a breach of the QSRI by McDonalds Australia Ltd.””

In the current advertisement the Panel considered that the product pictured on the advertisement did meet the nutrition criteria and that this was the only product depicted or mentioned on the voucher.

The Panel noted that they had previously considered a different version of this voucher in case 0208/18 in which:

“The Panel noted the terms and conditions on the advertisement and considered that the \$5 voucher can be used towards any products from McDonalds, not just the products pictured on the voucher.

The Panel considered that although the product depicted did meet the Nutritional Criteria, the voucher itself was not restricted to these products and could be used for a product that does not meet the Nutritional Criteria... the Panel determined that the advertisement was a voucher given to a child at a sporting event that was not for a product that meets the nutritional criteria and therefore the advertisement did breach S1.5 of the QSRI.”

Similarly, in the current advertisement the Panel states “Hand in this voucher when ordering and it will be our pleasure to reward you with a FREE Happy Meal”. The Panel considered that any Happy Meal could be purchased using the voucher, not just the healthier choice meal.

The Panel noted the advertiser’s response that the while the voucher does allow any Happy Meal selection including those that do not meet the nutritional criteria, the redeemer of the voucher is the parent or carer of a child and that therefore the adult is the one who would make the determination of what to buy at the store.

The Panel considered that the voucher itself is presented to the child and is therefore considered as marketing material directed primarily to children. The Panel considered that most children would be aware of the other options available for a Happy Meal



and that the voucher would therefore be considered to be for any happy meal, not just the healthier choice option.

Consistent with the determination in case 0208/18, the Panel determined that the advertisement was a voucher given to a child at a sporting event that was not for a product that meets the nutritional criteria and therefore the advertisement did breach S1.5 of the QSRI.

The Panel expressed disappointment that the advertisement was upheld for the same reason as the previous case, and asked that McDonald's take stronger steps to ensure compliance with the QSRI.

Finding that the advertisement breach S1.5 of the QSRI the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**