



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0124/18
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	21/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement is promoting McDonald's Shaker Fries.

THE COMPLAINT

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

Promoted violence and animal cruelty. Unfortunately that will be the result of this campaign

THE ADVERTISER'S RESPONSE

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

The Complaint refers to radio advertisement as part of the 2017/18 McDonald's Summer campaign (Advertisement). The Complaint is made under section 2.7 of the AANA Code of Ethics (AANA Code) and alleges that the Advertisement is promoting violence and animal cruelty.



McDonald's rejects the Complaint and submits that the content of the Advertisement is not a portrayal of violence or cruelty against seabirds. The action of animal cruelty is defined by the RSPCA as "overt and intentional acts of violence towards animals". Spraying a seagull with a water gun is not violent, and does not intend to hurt or damage the birds. By their very nature, seagulls are water based birds. It is well known that seagulls have no issues with getting wet and will certainly not suffer cardiac arrest if water is sprayed at them. No birds were harmed in the making of this Advertisement and there was no depiction of injury or pain to any birds with no sounds of suffering birds in the background of the Advertisement.

The content of the Advertisement would not be upsetting to the reasonable consumer. Accordingly, the Advertisement complies with the Code and the Complaint should be dismissed. We have considered other matters under section 2 of the Code 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 AANA Code of Ethics (the "Code").

The Panel noted the complainant's concerns that the advertisement promotes violence towards animals.

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

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel noted the radio advertisement is promoting McDonald's Shaker Fries and suggests eating them at the beach and indicates that when joined by seagulls you get your water cannon from the car and "ruffle their feathers".

The Panel noted the complainant's concerns that the advertisement promotes violence and animal cruelty.

The Panel noted that there is clear community concern regarding cruelty to animals and that promotion of animal abuse or cruelty is inappropriate for use in advertising.

The Panel noted the advertiser's response that there was no depiction of injury or pain to any birds with no sounds of suffering birds in the background of the



advertisement.

The Panel noted that the advertisement is intended to be humorous and agreed that most members of the community would recognise the situation of seagulls congregating around food at the beach.

The Panel considered that the complainant's interpretation that the advertisement appeared to be promoting violence and animal cruelty was unlikely to be shared by a broader audience.

The Panel determined that there was no violence present or portrayed in the advertisement and the advertisement does not depict or condone cruelty to animals. The Panel considered that the advertisement did not breach Section 2.3 of the Code.

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

