



## Case Report

1	Case Number	0159/15
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television commercial advertising the new McDonald's Lamb & Fetta Wrap features images of the wrap being assembled including lamb sizzling on a grill. some fetta cheese and some garlic being crushed. We see a young woman eating a wrap whilst a male voiceover describes the product.

### THE COMPLAINT

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

*The McDonald's Lamb & Feta wrap is actually made with lamb kofta patties. Although the kofta patties contain "100% lamb" I think the advertising is misleading. As a consumer, I am lead to believe that I am ordering 100% Lamb- the pictures look like the wrap contains lamb strips. In actuality, the lamb kofta patties are full of other ingredients (as listed below). I believe McDonald's should be forced to change their advertising to recognise the fact that the product contains Lamb kofta patties, not lamb strips as they imply.*

*LAMB PATTY: Lamb, Water, Breadcrumbs (Wheat Flour, Sugar, Salt, Yeast, Wheat Gluten), Seasoning (Salt, Maltodextrin, Spices, Herb, Potato Starch, Onion, Citrus Fibre, Sugar, Yeast, Anti-caking Agent (551), Soybean Oil, Smoke Flavour, Spice Extract  
<http://mcdonalds.com.au/lamb-and-fetta-mcwrap>*

### THE ADVERTISER'S RESPONSE

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

*We thank the Advertising Standards Bureau (ASB) for the opportunity to provide a response to complaint number 0159 of 2015 (Complaint) in respect of the Lamb and Fetta Wrap TVC currently on air (TVC).*

*We do not consider that the TVC is in breach of the AANA Food & Beverages Advertising & Marketing Communications Code (AANA Food Code) or the AANA Code of Ethics (AANA Ethics Code).*

*The TVC does not raise any issues under the AANA Ethics Code in respect of discrimination / vilification, exploitative or degrading depictions, violence, sex, sexuality and nudity, language or health and safety. As noted above, we are of the view that there is no breach of the AANA Ethics Code by the TVC and have accordingly focused our response on section 2.1 of the AANA Food Code which will address the issues raised in the Complaint and demonstrate that the Complaint should be dismissed.*

*The McDonald's Lamb and Fetta Wrap (Wrap) is a product comprising a lamb patty, lettuce, Spanish onion, cucumber, tomato and garlic aioli in a wheat tortilla.*

*The lamb patty depicted in the TVC is part of the Wrap and is made with the following ingredients, details of which are available on our website:*

*Lamb, Water, Breadcrumb (Wheat Flour, Sugar, Salt, Yeast, Wheat Gluten), Seasoning (Salt, Maltodextrin, Spices, Herb, Potato Starch, Onion, Citrus Fibre, Sugar, Yeast, Anti-caking Agent (551), Soybean Oil, Smoke Flavour, Spice Extract).*

*In the TVC, which is only 15 seconds in duration, key ingredients in the Wrap are "heroed" - lamb, fetta and garlic aioli. As in any advertisement, it is not possible, nor necessary, to call out or depict visually every single ingredient comprising the advertised product. An Average Consumer is well aware of this when viewing advertising and marketing communications and would not be misled or deceived by this practice. It is our view that to draw a conclusion that this was necessary would lead to absurd outcomes.*

*Language – Made with Aussie Lamb*

*Consistent with many other McDonald's advertisements, we have used the language "made with" when calling out the hero ingredients. This language clearly identifies that the product is made with, but does not exclusively comprise the relevant ingredients called out.*

*The language "100% lamb" is not used at all in the TVC as suggested by the Complainant. We suspect that the complainant may be confusing the TVC with the radio commercial currently airing which uses the language "Made with 100% Aussie lamb". In the radio commercial the language "made with" is used for the same reasons as noted above - to simply identify that the Wrap is made with lamb. The language "100%" is connected to "Aussie" and is used to call out the fact that the lamb is all Australian. Supporting evidence on this 100% Australian lamb claim can be provided if required by the Board, however we have assumed it is not relevant given the radio commercial is not the subject of the Complaint.*

*At no point in the TVC does it say lamb strips, lamb fillet, lamb blackstrap etc. or make any representation that indicates a whole cut of meat is included in the Wrap – the language in the TVC simply calls out lamb as a part of the Wrap.*

#### *Visuals – Patty on Grill*

*The TVC has several prominent visuals of the lamb patty on the grill in the opening scene as well as an image showing the completed Wrap, including the lamb patty, in the end scene. With respect, it is clear from the visuals that there are no depictions of lamb strips as suggested by the complainant. The images of the lamb patty shown in the TVC match the product which is served at our restaurants.*

*The TVC and whole advertising campaign for the Wrap is clearly not designed to mislead or deceive consumers. We are proud of the delicious flavour profile of the product, in particular, the lamb patty, and in other mediums, like Facebook, have even asked our consumers to guess what spices are included in the Wrap.*

*There is no language or visual used in the TVC, or any other part of the advertising campaign, which suggests that the lamb component of the Wrap is a whole cut of lamb. The TVC accurately represents the product, is truthful and honest and does not, and is not likely to, mislead or deceive an Average Consumer. Additionally, the TVC does not contravene Prevailing Community Standards. Accordingly, we submit that the Complaint should be dismissed.*

## **THE DETERMINATION**

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

The Board noted the complainant’s concerns that the advertisement is misleading in its suggestion that the product (a wrap) contains 100% lamb when it is a pattie that has other ingredients in it.

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

The Board noted that the product advertised is food and 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 the advertisement features a young woman eating a wrap as the voice over describes the contents of the wrap as being made with "Aussie Lamb, crumbled feta, a creamy garlic aioli." The final shot is an image of the lamb wrap next to a chicken wrap with the names of the products above.

The Board noted the Practice Note to Section 2.1 of the Food Code which provides:

"The Board will not attempt to apply legal tests in its determination of whether advertisements are truthful or honest, designed to mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to this Code.

In testing the requirement that an advertising or marketing communication should be truthful and honest, the Board will consider whether the information most likely to be taken from the advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest."

The Board noted that the voiceover does not refer to the lamb as being 100% lamb and that the image at the end of the advertisement clearly shows the contents of the wrap and that the lamb does appear as a pattie.

The Board noted that most members of the community would consider that a pattie would be made with other ingredients included and that the key ingredient would be understood to be lamb, described as a lamb pattie.

The Board noted that the chicken wrap next to the lamb wrap does appear to have strips of meat rather than a pattie in it. The Board noted that there is no indication visually or verbally in the advertisement that the meat component of the lamb wrap is simply lamb strips or lamb on its own and that at the end of the advertisement it is clearly showing a pattie.

Based on the above the Board determined that the advertisement would be understood by an average consumer to be truthful and honest in its depiction and did not breach Section 2.1 of the Food Code.

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

