



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0170-21
2. Advertiser :	Grill'd
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

This segment of the TV show studio 10 features a segment with Food Innovation Manager, Ben Koning, from Grill'd cooking a Grill'd burger. At the end of the segment the host says, "Head to Grill'd for the chance to get your hands on a free burger give-away. They're giving away 7,000 free burger vouchers across Australia today."

THE COMPLAINT

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

Clearly stated free burger for world burger day. In fact, you are required to purchase a burger first and you may or may not receive a free burger voucher of which there are only 50 per store. It was misleading it never stated you had to purchase a burger first.

THE ADVERTISER'S RESPONSE

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

Thanks for passing on the complaint which you received on 28 May 2021 regarding an Ad for world burger day.

For clarity, Grill'd ran no ads for World Burger Day however we did seek PR coverage and front of mind awareness for Grill'd on National Burger Day. More specifically, we



submitted a press release document (which is provided as a separate attachment) to a PR agency which was distributed across various media agencies.

The press release communicated that Grill'd would be celebrating National Burger Day by giving away 7,000 free burger gift vouchers to Grill'd customers across the country. Each store would be giving back to customers with random acts of kindness including surprising people with free burger gift vouchers. The press release further notes that for more information visit our website at www.grilld.com.au and notes that National Burger Day gift vouchers are for dine-in use only.

In practise, what Grill'd did (which we outlined on our website at <https://www.grilld.com.au/news/latest/dine-in-celebrate-this-national-burger-day-australia>) was on the morning of National Burger Day, over 7,000 free burger vouchers were hidden in Grill'd restaurants across Australia, 50 per restaurant. The vouchers were to be placed on our burger plates, and the plates were stacked away – ready to be pulled out at random and served to lucky dine-in guests with their burgers. For Victorian customers (experiencing stage 4 lock-down restrictions) Grill'd gave away random vouchers with takeaway orders.

Through this PR exercise, Grill'd received media coverage across many media forums including the below:

The Weekend Edition

7Food

NOVA <https://www.novafm.com.au/lifestyle/food-drink/grilld-giving-away-thousands-of-free-burgers-for-one-day-only/>

KISS101.1FM

WSFM101.7FM

4KQ

KISS106.5

KIIS 97.3

Thrillist

The complaint specifically references a piece of editorial we secured on Network 10, which appeared on the Australian morning talk show called Studio 10 which aired on the morning of National Burger Day.

The Grill'd's National Burger Day offer is not mentioned until the conclusion of the editorial, after spending the majority of the content focussed upon the ingredients and how to cook one of Grill'd's latest burgers (a healthy fried chicken burger). At the end of the segment, the host states "head to Grill'd for a chance to get your hands on a free burger giveaway, they're giving away 7000 burger vouchers across Australia today." The host also provides details of Grill'd's website www.grilld.com.au. This communication was consistent with our press media release in that it clearly stated "for a chance" and also stated that Grill'd would be giving away burger vouchers. The total number of vouchers quoted ("7000") across Australia is consistent with our giveaway of 50 per store because we have over 140 stores in Australia. So while we are disappointed that somebody misunderstood the message and felt misled by the PR



exercise, we believe the editorial clearly communicated that attending Grill'd provided the chance to receive a burger voucher and did not state Grill'd was simply giving away free burgers with no conditions attached (which would be unusual for a commercial enterprise).

To further support the Community Panel in reviewing this complaint, we also provide the following requested information about the specific PR activity:

Whether the audience of the programs is predominantly children: No, the audience is not predominantly children.

Substantiation of any health, nutrition or ingredient claims or statements made in the advertisement: The recipe and ingredients of Grill'd's healthy fried chicken burgers are also discussed in the editorial. This information is all publicly available at: https://assets.grilld.com.au/images/PDFs/hfc_recipecard.pdf

We hope this letter provides you with the necessary detail to reach the view that have not in fact breached the AANA code, and please don't hesitate to contact us if you require any other information.

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 as it stated that people would receive a free burger for World Burger Day, and did not say that people had to purchase a burger first or that there were limited vouchers per store.

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 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 Panel considered the Practice Note to this section of the Code which provides that:



“The Panel will not attempt to apply legal tests in its determination of whether advertisements are truthful and 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 shall be truthful and honest, the Community Panel 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 Panel noted that the target audience would include people that regularly consume Grill’d burgers, however considered that the target audience would also include people that are not frequent customers and who are not familiar with Grill’d products.

The Panel viewed the advertisement – a five minute segment on Studio Ten showing the hosts and a Grill’d employee cooking burgers. At the end of the segment one of the hosts states “Head to Grill’d for a chance to get your hands on a free burger giveaway, they’re giving away 7000 burger vouchers across Australia today.”

The Panel considered that the host clearly states “for your chance to win” and detailed that there were limited vouchers available. The Panel considered that most members of the community would understand that there would be terms and conditions involved in receiving a free burger and would not think that Grill’d was offering free burgers to all customers for a day with no conditions.

The Panel considered that the advertorial promotion was not misleading in its presentation of the offer.

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 Code the Panel dismissed the complaint.