



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0198/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Hungry Jacks</b>
<b>3</b>	<b>Product</b>	<b>Food / Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/05/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive  
Food and Beverage Code 2.6 inaccurate taste/size/content/nutrition/health claim

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts Hungry Jack's new \$3.95 Better Snack Box which consists of nuggets and chips. As a male voice over describes the product we see a nugget being broken in half then dipped in to a sauce.

### THE COMPLAINT

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

*They advertise the nuggets and chips with a side of gravy and nuggets being dipped into the gravy. When you buy this special you do not get the gravy with the special box.*

### THE ADVERTISER'S RESPONSE

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

*In response to the customer complaint that our TVC advertising for nuggets and chips (Better Snack Box) suggests that it comes with a side of gravy. We don't feel that we have been inaccurate, misleading or deceptive as we never show or mention gravy in our advertising. Indeed we don't even offer gravy at any of our restaurants.*

*We do however show our nuggets being dipped into our spicy dipping sauce and we offer customers a complimentary dipping sauce from our range of sauces as part of our Better Snack Box purchase. This is offered as a matter of course and would merely require a simple request from the customer as this wasn't initially forthcoming.*

*We're confident that we've addressed the customer complaint but should you have any further questions, please do not hesitate to get in touch.*

## **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 depiction of a nuggets and chips meal served with gravy as when you purchase this meal in-store you do not receive any gravy.

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

The Board noted that the product advertised is food and that therefore the provisions of the Food Code apply. In particular, the Board considered section 2.1 of the Food Code which states:

'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 that the advertisement depicts a voiceover describing the Hungry Jack's Better Snack Box while we see this meal on screen and a person breaks a nugget in half and dips it in a sauce.

The Board noted the advertiser's response that Hungry Jack's do not sell gravy in their stores and that the sauce shown in the advertisement is a dipping sauce which is offered complimentary with the meal but not as part of the meal.

The Board noted that the advertisement does not make mention of gravy and considered that the substance the nugget is dipped into looks like a sauce rather than a gravy. The Board noted that Hungry Jack's offers various dipping sauces complimentary to their meals and considered that the advertisement's description, and depiction, of the meal makes it clear that the meal consists of nuggets and chips only.

The Board considered that the advertisement did not depict material which was misleading or deceptive and determined that the advertisement 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.