



Case Report

1	Case Number	0200/11
2	Advertiser	Hungry Jacks
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	22/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.8 - Food and Beverage Code untruthful/dishonest

DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question is for the Hungry Jack's 'Wrap and Cap' breakfast deal. A builder is sitting on the tray of his vehicle on a building site about to enjoy his meal. His voice over describes the meal in more detail – a tortilla wrap containing sausage, egg, bacon and cheese plus a cappuccino – while vision of each ingredient is shown in isolation and as the completed item.

THE COMPLAINT

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

This ad, just like a lot of fast food ads in Australia, depicts the item you are buying as larger than the one you actually buy. This is misleading. The example I am upset about is the Hungry Jacks breakfast wrap commercial currently showing on TV. It shows an actor wrapping both hands around a wrap in order to eat it. When you actually purchase one, they are much smaller than shown in the ad. I don't care about the "selling the experience" excuse I've heard from fast food companies in the past. I want what is advertised OR I want a prominent disclaimer included in the ad that what you see is not what you get.

THE ADVERTISER'S RESPONSE

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

The advertisement in question is for the Hungry Jack's 'Wrap and Cap' breakfast deal. It incorporates vision of a builder sitting on the tray of his vehicle on a building site about to enjoy his meal. His voice over describes the meal in more detail – a tortilla wrap containing sausage, egg, bacon and cheese plus a cappuccino – while vision of each ingredient is shown in isolation and as the completed item.

We confirm that the advertisement for Hungry Jack's 'Wrap & Cap' is a realistic depiction of the actual product on offer in the stores.

The advertisement was filmed using actual breakfast wrap ingredients and quantities as used in the stores and no substitute products were used for the purpose of filming to make the product look larger than actual.

The ingredients and size of the breakfast wrap has not changed since the filming of this television commercial.

We would request the ASB dismiss the complaint.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code or section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement misrepresents the size of the actual product.

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

The Board noted that the product advertised is food and that 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 advertiser’s response that the ingredients used in the meal are identical to those used in the stores and that no substitutes were used to make the meal look bigger.

The Board accepted the advertiser’s response, and considered that many consumers would accept that food products are ‘styled’ for appearance in advertising. The Board noted that the product presented in the advertisement appeared to be of reasonable, or not unrealistic, size,

and considered that the size of the actual product could appear to be different depending on the size of the person holding the food.

The Board considered that the advertisement was not misleading or deceptive and did not breach Section 2.1 of the Code.

The Board also noted section 2.6 of the Code which provides that: ‘Advertising or marketing communications for food or beverage products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits shall be specific to the promoted product/s and accurate in all such representations.’

The Board considered that the depiction of the product was not of itself a claim about the size of the product and that there was no other material in this particular advertisement that amounted to a claim about the size or content of the product that would be inaccurate.

The Board determined that the advertisement did not breach section 2.6 of the Food Code.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.