



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

[AdStandards.com.au](http://AdStandards.com.au)

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0208/18
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	09/05/2018
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

QSR - 1.5 - Product/vouchers at childrens sporting events products/vouchers meet nutritional criteria

## DESCRIPTION OF THE ADVERTISEMENT

A \$5 McDonald's voucher is attached to a 'Man of the Match' award and was distributed at a children's sporting event.

## THE COMPLAINT

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

*As a parent, I am angry that while participating in weekend soccer my child was given a 'man of the match' award for playing well that involves going to McDonald. I thought that McDonalds and other fast food outlets had agreed not to advertise to children at sport and this is unacceptable. It is hard enough to promote a healthy lifestyle to children in this environment, I don't appreciate junk food being given to them as an award during a sporting activity. This encourages bad lifestyle choices of eating junk food following sporting activity and goes against everything I teach my children.*



*The award is also deceptive as it includes an image of a wrap and milk but in fact is an open voucher to purchase anything from McDonalds.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for requesting a response to complaint number 0230/14 (Complaint).*

*The Complaint refers to a voucher for \$5 distributed as part of a children's sporting match award (Voucher). The Complaint is made under section 1.5 of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI).*

*The Voucher does not breach the QSRI for the reasons stated below:*

*The food items displayed on the Voucher comply with the nutrition criteria of the QSRI*

*The QSRI allows the distribution of vouchers at children's sporting events if those vouchers comply with the nutrition criteria of the QSRI (Nutrition Criteria). The Voucher complies with the Nutrition Criteria as it requires that meals must have at least a main item and a beverage. The food items displayed on the Voucher contains these items, namely the Grilled Chicken Snack Wrap and CalciYum milk.*

*The Nutrition Criteria also requires that meals must not contain more than 2080 kJ per meal when targeted at the age group of 4-8 years. The food selection shown on this Voucher contains 973 kJ in the Grilled Chicken Snack Wrap and 633kJ in the CalciYum milk, totalling 1606 kJ.*

*The meal also does not exceed the maximum limits as prescribed in the Nutrition Criteria. The Nutrition Criteria requires that meals must not contain more than: 0.4g of saturated fat per 100kJ, 1.8g of sugar per 100kJ and 650mg of sodium per serve. The food selection shown in this Voucher contains 0.33 of saturated fat per 100kJ, 1.36 of sugar per 100kJ and 543mg of sodium per serve.*

*The content of the Voucher encourages a healthy lifestyle*

*The QSRI requires that advertising and marketing communications to children for food must also reference, or be in the context of, a healthy lifestyle, designed to appeal to children through messages that encourages good dietary habits and physical activity. The Voucher complies with this requirement through the images on the Voucher*



*showing a cartoon image of a boy and girl on a sports team supported with the caption, “get out and about with your friends today!”*

*Children cannot redeem the Voucher without a parent/ guardian present*

*The terms and conditions clearly state that a parent or carer must be present for a child under 14 years to redeem this Voucher. Hence, the parent will either be the ones redeeming the Voucher and spending it on their choice of McDonald’s products, or will be present with the child to order McDonald’s products and will be able to monitor the order.*

*Accordingly, the Voucher complies with the QSRI and so the Complaint should be dismissed. We have considered other matters under section 2 of the AANA Code of Ethics and submit that the Advertisement does not breach any of the other matters covered by that section.*

*Furthermore, McDonald’s takes its responsibilities under the QSRI very seriously and despite our position that the Voucher does not breach the Codes, it is our company policy to not print and distribute these vouchers. McDonald’s is a business with over 960 restaurants and whilst we have strict controls in place to ensure compliance with the QSRI, the Voucher was unfortunately not passed through our standard internal review and approval process. As soon as McDonald’s became aware of the Complaint, it undertook corrective action to ensure that the Voucher is no longer available for print.*

*McDonald’s remains committed to ensuring compliance with the QSRI. We will continue training all members of the McDonald’s system to improve understanding of our internal approval process and our responsibilities under the QSRI.*

## **THE DETERMINATION**

The Ad Standards Community Panel (‘the Panel’) considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the ‘QSR Initiative’).

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

The Panel noted the complainant’s concern that the advertisement is advertising fast food to children.

The Panel noted that the QSR Initiative is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.



The Panel considered then whether the material is advertising or marketing communications to children. The definition states that ‘advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children and are for food and/or beverage products.’ Under this Initiative children means “persons under the age of 14 years of age.”

The Panel noted the advertisement is featured on a sports certificate handed out to children who have taken part in a soccer match and was given to a six year old. The advertisement include the heading ‘your reward’, a \$5 gift voucher, a picture of a grilled chicken snack wrap and chocolate milk and a cartoon image of a boy and girl in sports uniforms running with the words ‘get out and about with your friends today!’.

The Panel considered that the theme, visuals and language used in the advertisement are all directed primarily to children and that this advertisement did fall under the provisions of the QSRI on the basis that it is a marketing communication directed primarily to children for a food product.

The Panel considered the complaint under Schedule 1.5 of the Code which provides:

“Signatories must not give away food and/or beverage products or vouchers to Children as awards or prizes at Children’s sporting events unless those products meet the Nutrition Criteria.”

The Panel noted that the advertisement was a voucher given to a six-year-old child as an award at a sporting event.

The Panel noted the advertiser’s response that the food items displayed on the voucher comply with the nutritional criteria of the QSRI.

The Panel noted they had previously considered a similar advertisement in case 0346/14 in which the voucher was for either a small cheeseburger meal or a seared snack wrap, apple bag & small orange juice (the healthier choice product). The picture on the voucher was of the cheeseburger meal. In this case:

“The Board noted that McDonald’s does offer a healthy choice menu for children there is mention of the healthy choice product as well as an alternative in the advertisement. As part of its commitment under the Initiative, the signatory companied have agreed to only market healthy choice products directly to children. The Board considered that the inclusion of references to, or images of both the healthy choice option as well as other products is a breach of the signatory company commitment. The Board determined that the advertisement breached S1.5 of the QSRI.”

In the current advertisement the Panel considered that the product pictured on the



advertisement did meet the nutrition criteria and that this was the only product depicted or mentioned on the voucher. The Panel noted the terms and conditions on the advertisement and considered that the \$5 voucher can be used towards any products from McDonalds, not just the products pictured on the voucher.

The Panel considered that although the product depicted did meet the Nutritional Criteria, the voucher itself was not restricted to these products and could be used for a product that does not meet the Nutritional Criteria.

Consistent with the determination in case 0346/14, the Panel determined that the advertisement was a voucher given to a child at a sporting event that was not for a product that meets the nutritional criteria and therefore the advertisement did breach S1.5 of the QSRI.

Finding that the advertisement breach S1.5 of the QSRI the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

McDonald's was disappointed to learn of the complaint and continues to remain committed to ensuring compliance with the QSRI. As indicated in our first response to the Complaint, as soon as McDonald's became aware of the complaint it undertook corrective action and instructed to withdraw the voucher of issue and any other similar food vouchers. We confirm that all reasonable steps have been taken to ensure the vouchers are no longer available to be distributed to children.