



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0283/14
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	Free TV
5	Date of Determination	13/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows children having a tea party. One child is pretending to be a barista and is making cafe style coffee instead for the teddy bear. We then see the same child as an adult, as a barista working at a MacDonal'd's serving coffee to a man dressed up as a teddy bear.

THE COMPLAINT

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

The advertisement is misleading as not all coffee served at MacDonal'd's is barista made, cafe style coffee. Specifically, if you order a latte in the drive thru, you pay the same amount but are given an instant machine coffee. Thus isn't barista made or true cafe style coffee.

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 0283 of 2014 (Complaint).

We do not consider that the television commercial the subject of the Complaint (TVC) makes

any representation that all coffee served at McDonald's restaurants is barista made, cafe style coffee. Accordingly, we do not believe that the TVC is in breach of clause 2.1(a) of the AANA Food & Beverages Advertising & Marketing Communications Code (Code).

The TVC was launched in August 2013 to promote the improvements we made to the taste of our McCafé coffee and the time we invest in continually training our employees to provide quality service. The TVC features a young boy who discovers his passion for coffee at a very young age and grows up to become a barista at McCafé.

The TVC promotes our barista made, cafe style coffee served at McCafé. This coffee is available at all McCafé counters in McDonald's restaurants and recently has been made available through Drive Thru. McDonald's also offers another brand of coffee, Espresso Pronto, which is coffee made from a full automatic machine, available through front counters and Drive Thru but not served at McCafé. We wish to make clear that it is our McCafé coffee that is the advertised product featured in the TVC, not our Espresso Pronto coffee.

We believe that it would be taking the TVC out of context to conclude that there is a breach of the Code and we note that the TVC received CAD approval. It is our view that a common sense approach should be adopted by the ASB in reviewing this Complaint and we request that the Complaint 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 depiction of barista-made coffee as not all coffee made at McDonald's is barista-made.

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

The Board noted that the product advertised is a food/beverage product 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 advertiser's response that the advertisement is for McCafe coffee and not the Espresso Pronto which is the coffee made by a machine and usually used for drive-through customers.

The Board noted that the branding in the advertisement clearly promotes McCafe and that the depiction of the barista making the coffee shows him serving a customer in the McCafe area of a McDonald's restaurant.

The Board noted that the advertisement does not make reference to the coffee available to

drive through customers and considered that overall the most likely interpretation of the advertisement is that the coffee made in McCafes is made by a barista.

Based on the above the Board considered that the advertisement was not misleading or deceptive in that the promotion did not claim that all of the coffee that can be purchased from McDonald's is made by a barista, only the coffee available from McCafe.

The Board 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 complaints.