



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0295-20</b>
<b>2. Advertiser :</b>	<b>Grill'd</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>Promotional Material</b>
<b>5. Date of Determination</b>	<b>21-Oct-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Food and Beverages Code\4.2 Must comply with QSRI  
AFGC - Quick Service Restaurant Initiative\QSRI 1.5 Product/vouchers at children's sporting events

### DESCRIPTION OF ADVERTISEMENT

The front of this voucher features the words "you did awesome" and features an illustration of three cows on a podium. The first cow holds a burger, the second is on a surfboard and the third is holding a basketball.

The back of this voucher features the words, "This awesome effort award goes to" with a blank space for the name. It also features the words, "Because awesome efforts deserve awesome burgers! Your burger is waiting for you at Grill'd Chatswood. Valid at Grill'd Chatswood. Dine in only. Not available for takeaway or via online ordering or Uber Eats. Only valid for members of the club aged 14 and under. Limited to one voucher per customer. Free standard sized burger only. Additional toppings extra cost. Not valid with any other offer. Original vouchers only. Photocopied, scanned or electronic versions of this voucher will not be accepted. Offer expires on 31/09/20."

The voucher includes a barcode with the words "I'm a free burger".

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:



*This clearly breaches the Core Principles of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children. In particular Children's Sporting Events S1.5. 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. Under the AANA Food and Beverages Code, Section 4.2 Advertising or Marketing Communication for Food or Beverage Products by a Quick Service Restaurant must comply with Schedule 1 of the QSRI. Therefore the principle stated above applies to this company.*

*It is also clearly advertising or marketing to children according to the definitions contained in those codes as it is a voucher handed to a child to provide them with free food.*

*The Australian Dietary Guidelines state that hamburgers are not core foods and a standard burger is too much for a primary school aged child and therefore should not be advertised to them.*

*If the AANA wants to truly protect children from junk food marketing then companies should not give vouchers for junk food to children. The public clearly knows that a hamburger is not food that children should be encouraged to eat as part of a healthy diet. This is sending the wrong messages to our children who are participating in a healthy sporting activity.*

## **THE ADVERTISER'S RESPONSE**

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

### *Awesome Effort Awards (AEA)*

*The Grill'd Awesome Effort Award is distributed by Grill'd team members to organisations and sporting clubs, so that they can recognise achievement or contributions made by participants and members. The awards are for children under sixteen years of age and allows them to redeem a single 'standard burger' from a Grill'd restaurant. We have attached a template of the current Awesome Effort Award for reference.*

### *Grill'd Healthy Burgers and our Mission*

*Grill'd's mission as a business is 'to liberate burgers from guilt and their bad reputation'. Beef burger patties are made from quality lean mince and the chicken in our chicken burgers is lean breast meat from RSPCA chickens. Furthermore, over the years, significant care has been taken to ensure that our ingredients are fresh and natural, and recently we have undertaken significant reformulation to reach a point where our burger range is without any artificial additives.*



*The complainant references that The Australian Dietary Guidelines state that “hamburgers are not core foods” and refers to our product as “junk food”. Respectfully, we would say that this terminology was relevant a decade ago when the hamburger market was dominated by fast food chains. However, the current QSR market has evolved considerably and now consists of far more premium healthy options, including healthy burgers.*

*We work with Accredited Practicing Dieticians*

*We work closely with Accredited Practicing Dieticians to design our menu items and we proudly display the kJ associated with each of our menu items. The dieticians advise us on items such as the content of sugar, fat and sodium and help us to design a wholesome and healthy offering.*

*AFGC Quick Service Restaurant Initiative*

*In light of your letter and the complainant’s references, we have reviewed the QSR Initiative For Responsible Advertising and Marketing To Children which was recently produced by the AFGC. Specifically, we have noted the Nutrition Criteria in Schedule 2.*

*We acknowledge that some of our ‘Standard Burgers’ have energy (kJ) which are higher than the recommendations in schedule 2.2. Noting these guidelines and the current voucher offer, we are going to amend and constrain the terms of the voucher, to specify what burgers or meals AEA participants are permitted to receive, so that we are following these guidelines.*

*Specifically, the terms of the voucher will outline the following:*

- *Children aged 4 to 8 years can redeem a Mini Me pack with water*
- *Children aged 9 to 15 years can redeem one of the following burgers: Simply Grill’d, Simon Says or Super Power Salad*

*We are in the process of instructing our creative team to make these changes immediately, so that the new vouchers can be in market in the next three weeks’ time.*

*Grill’d strongly supports children to live a healthy lifestyle and we hope that our action demonstrates this. For reference we note that most children already use the vouchers to redeem burgers and meals that follow the Nutrition criteria.*

*We look forward to your consideration of the above 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 Food Code).



The Panel viewed 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 product advertised is a promotion for Grill'd food products and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

The Panel considered Section 4.2 of the Food Code which provides "Advertising or Marketing Communication for Food or Beverage Products by a Quick Service Restaurant must comply with Schedule 1 of the QSRI, where applicable".

The Panel noted that QSRI refers to the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children and noted that the QSRI is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Panel considered the definition of advertising or marketing communications to children within the QSRI. 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 that the QSRI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered each element of the definition. The Panel considered that the theme, visuals and language used, are directed primarily to Children and are for food products.

The Panel considered whether the material published in a 'medium' directed to children?

The Panel noted that the advertisement is a voucher which is featured on a sports certificate handed out to a child for Player of the Day at a football competition. The



advertisement features the words "you did awesome" and features an illustration of three cows on a podium holding a burger, on a surfboard and holding a basketball respectively. It also features the text "because awesome efforts deserve awesome burgers" and states that the voucher is valid for a free burger.

The Panel noted that the definition of Medium in the QSRI is 'television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites.' The Panel considered that the material in question was not easily identifiable as any of these mediums. However the Panel noted that the substantive provisions of the QSRI refer to 'products or vouchers' as a matter within the purview of the QSRI and also considered the objectives of the QSRI which include 'reducing advertising and marketing communications to children for food and beverage products that do not represent healthier choices.' The Panel considered that the absence of a reference to vouchers in the definitions section of the QSRI does not render its operative provisions ineffective.

The Panel also considered that the advertising material (a Grill'd food voucher handed to a child after a sporting event) is, relevantly, material published to an audience which would be more than 35% children, as the voucher is given to children at a sporting event.

The Panel considered 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 child as an award at a sporting event.

The Panel noted that Schedule 2 of the QSRI details the Nutrition Criteria for assessing children's meals according to the initiative. The Panel noted S2.1 of the QSRI states:

"S2.1. Meal composition

- a. The meal must be comprised of at least a main and a beverage.
- b. The meal should reflect general principles of healthy eating as defined by credible nutrition authorities."

The Panel noted that the voucher was for one burger and considered that this would not meet the Nutrition Criteria in Schedule 2 of the QSRI as it does not include a beverage.



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**

Grill'd confirms that the voucher subject to this complaint has been removed and will be replaced with a different voucher.