



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0324/12
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message

DESCRIPTION OF THE ADVERTISEMENT

Voiceover provides information about the McDonalds mighty footy trip. A group of children board a bus and head to the football stadium where they run out through a banner onto the stadium grounds and are then seen in the crowd cheering.

THE COMPLAINT

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

The voice over states "The McDonald's Mighty Footy Trip is on again it's your chance to be one of the lucky kids to get full VIP treatment to a footy game at the MCG. Just log onto macpac.com.au today to enter".

The disclaimer/small print displayed at the bottom of a number of frames throughout the ad states 'Permission to enter the competition is required from a parent or legal guardian entrants must explain in 25 words or less why McDonald's should take you on their Mighty Footy Trip' followed by 'Terms and conditions apply entries close 17 July 2012. Open to 8 – 13 year olds only. Chance of winning one in 200 prizes'. The end frame features the golden arches and logos for MacPac and the Might Footy Trip.

We believe the McDonald's ad breaches clauses 4.1 of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSR Initiative).

Clause 4.1 of the Initiative states:

'Advertising or Marketing Communications to Children for food and/or beverages must:

(a) Represent healthier choices as determined by a defined set of Nutrition Criteria for assessing children's meals (see Appendix 1); and/or

(b) Represent a healthy lifestyle designed to appeal to the intended audience through messaging that encourages:

(i) healthier choices as determined by a defined set of Nutrition Criteria for assessing children's meals (see Appendix 1); and

(ii) physical activity.'

We believe the ad breaches clause 4.1 of the QSR Initiative as it is an Advertising or Marketing Communication to Children for food and beverages that do not represent healthier choices.

Firstly it is clear that the themes visuals and language of the advertisement are directed primarily to children. The ad features children going to the MCG running through the McDonald's banner and cheering in the audience. The voice over and disclaimer speak directly to children. For example the voice over states "it's your chance to be one of the lucky kids to get full VIP treatment" and the disclaimer states "entrants must explain in 25 words or less why McDonald's should take you on their Mighty Footy Trip". The ad is for a competition only open to 8 – 13 year old children.

Secondly it is clear that the advertisement is intended to promote and has the overall effect of promoting McDonald's food and beverage products. By promoting the McDonald's brand and the well-known golden arches the ad is promoting all McDonald's food and beverage products.

We refer to a recent Investigation Report by the Australian Communications and Media Authority (ACMA) regarding McDonald's advertising during the television program It's a Knockout [Investigation Report No. 2782]. In its Investigation Report ACMA found that promotion of the McDonald's brand (including the McDonald's name colours golden arches and slogan "I'm loving it") in the program constituted a promotion of McDonald's products and services (despite no food being depicted). It found that brand promotions increase brand awareness recall and recognition and link the brand to the products sold under the brand name. It found this to particularly be the case in relation to McDonald's given the wide recognition of its brand logos and characters.

We shall forward a copy of ACMA's Investigation Report for your information.

We also refer to the ASB's recent determination regarding the McDonald's "Happy Meal Website" (Case Number 0221/12). In this determination the Board held that the promotion of the Happy Meal brand in general terms (through the brand name and images of the happy meal box) is the promotion of all happy meals. It must similarly be considered that the promotion of the McDonald's brand name and well known golden arches promotes all McDonald's food and beverage products not just the options that meet the nutrition criteria for children's meals under the QSR Initiative.

The majority of products sold at McDonald's are high in energy fat sugar and/or salt. Such products may contribute to weight gain obesity and other health problems. Therefore the ad does not represent healthier choices as required by clause 4.1 of the QSR Initiative.

We believe it is irresponsible for McDonald's to advertise its brand and in turn its food and beverage products directly to children particularly when nearly one quarter of Australian children are overweight or obese.

We regard this is a serious breach of the QSR Initiative. Accordingly we ask that the ASB request that McDonalds withdraw the ad and urge McDonalds to stop marketing its brand to children.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 24 July 2012 and thank you for allowing us to provide submissions in response to complaint number 0324 of 2012

We have considered the matters raised in the Complaint and do not believe that the television commercial (TVC) the subject of the Complaint is in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children, the AANA Code of Ethics or the AANA Code for Advertising & Marketing Communications to Children.

The TVC is promoting a competition that has been run by McDonald's in Victoria for several years. We also note that the TVC has run in Victoria for several years without complaint. The intention of the TVC is to encourage children to enter into the competition so that they can be chosen to be part of the McDonald's Mighty Footy Trip. Winners of the McDonald's Mighty Footy Trip get to participate in a footy skills clinic and then watch a live footy game at the MCG.

It is not the intention of the TVC to advertise food and beverages and there is no reference, implied or otherwise, to food or beverages at all in the TVC.

Entry into the competition does not require any purchase of McDonald's products or attendance at a McDonald's restaurant. Entry into the promotion is made through the Macpack website, www.macpack.com.au and is open to all Victorian residents aged between 8 and 13 years. We note that entry into the competition has now closed and the TVC is accordingly no longer being aired.

We do not agree that the TVC is an advertising or marketing communication to children for food and beverages and accordingly request that the complaint be dismissed.

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the 'QSR Initiative'), the AANA Food and Beverages Advertising and Marketing Communications Code (the 'Food and Beverages Code'), AANA Code for Advertising and Marketing Communications to Children (the 'Children's Code').and the AANA Code of Ethics for Advertising (the Code).

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

The Board noted the complainant's concern that the advertisement is directed to children and does not represent a healthier choice according to the QSR Initiative nutrition criteria.

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

The Board considered the definition of advertising or marketing communications to children within the QSR Initiative. 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 Board first considered whether the advertisement was directed primarily to children.

The Board noted that the advertisement features children travelling to and playing football at the MCG. The children are dressed in McDonald’s sponsored footy shirts and hats, featuring the well-known McDonald’s colours (yellow and red) and the famous golden arches. The kids run through a ‘McDonald’s Mighty Footy Trip’ banner and receive coaching tips. The ad also features children in the stadium, all wearing McDonald’s guernseys and caps.

The Board considered that the overall theme (the children being invited to enter the competition), the visuals (the children running to get on the bus and then onto the field and appearing in the crowd), and the language (children cheering and voiceover encouraging involvement) used are directed primarily to children.

The Board then considered whether the advertisement was for a food and/or beverage product.

The Board considered that the promotion of entry into a competition via the Macpack website www.macpack.com.au was not of itself a promotion of a food or beverage. The Board noted that there are no scenes showing any food product at all and that there are no images of food lines available at the restaurants. The Board considered that the advertisement is not a promotion for a food and/or beverage product.

Based on the above, the Board determined that as the advertisement does not meet the definition of advertising or marketing communications to children within the QSR Initiative, that the initiative does not apply and that the advertisement did not breach the QSR initiative.

The Board then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (the Children’s Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages Code), the advertisement must be “having regard to the theme, visuals and language used [...] be directed primarily to children and are for product.”

For the reasons mentioned above, the Board considered that the advertisement was directed primarily to children and noted that advertiser’s response that the intention of the advertisement is to encourage children to enter the competition.

As the advertisement is directed primarily to children, the Board then considered whether the advertisement was for product. As discussed above, the Board considered that the

advertising/ promotion of a competition is not of itself a promotion of a food and/or beverage and therefore the Children's Code and the Food Code do not apply.

The Board considered that the advertisement did not breach any of the sections within the Code of Ethics.

Finding that the advertisement did not breach the QSR, the Food Code, the Children's Code, or the Code of Ethics, the Board dismissed the complaint.