



Case Report

1	Case Number	0378/12
2	Advertiser	McDonald's Aust Ltd
3	Product	Other
4	Type of Advertisement / media	TV
5	Date of Determination	12/09/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising to Children Code 2.15 Food and beverages
QSR - 4.1 - Advertising and Marketing Message Advertising and Marketing Message must comply

DESCRIPTION OF THE ADVERTISEMENT

A male voiceover describes McDonald's new product: the Serious Lamb Taster. We see the ingredients of the Lamb Taster being compiled and the voiceover starts quoting from the nursery rhyme 'Mary had a little lamb': "For only \$3 you can afford one for the master, one for the dame and one for the little boy who lives down the lane".

THE COMPLAINT

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

The use of a children's nursery rhyme in a daytime weekend advert for fast-food items intended for adults seems to be at odds - the use of the nursery rhyme lyrics specifically targets children. My son (1 year and 9 months old) passed through the room while the advert aired - he heard the words 'and one for the little boy who lived down the lane' and immediately started reciting the whole nursery rhyme. This nursery rhyme is something we sign at bed time when he has his milk and so has positive associations for him. As a result we also use it to soothe him when he is sick or wakes in the night. Now, thanks to McDonalds, these positive associations have been hijacked by a junk food message and he may begin to associate such good feelings with the McDonalds brand. I find this absolutely horrifying - it disgusts me to think that McDonalds could stoop so low. I don't know if it is against the rules to air adverts with such content during a daytime weekend show when this show is not

specifically aimed at young children but I cannot see the moral reason for doing so anyway - the intent seems to be to advertise to children on the sly.

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 0378 of 2012 (Complaint). The complainant has suggested that inclusion of a children's nursery rhyme in a daytime weekend television commercial specifically targets children. We disagree with this suggestion and additionally submit that the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSR Code) and the AANA Code for Advertising and Marketing Communications to Children (AANA Children's Code) do not apply to the television commercial the subject of the complaint (TVC). The TVC is part of a series of light-hearted advertisements which promote the launch of two new lamb products into the McDonald's menu. The TVC uses only some of the words from the nursery rhyme and those words are read by an adult in an adult manner. The theme and visuals in the TVC are adult in nature, there is no use of caricatures or images associated with the rhyme and no children appear or are shown eating products in the TVC. In relation to the complainant's comments about the timing of airing of the TVC, we note that the ASB has previously held that the program in which the TVC is shown is not relevant to the determination of whether or not an advertisement is directed primarily to children, see for example ASB decisions 0084/2011 and 104/2011. As the ASB is aware, the QSR Code and the AANA Children's Code are restricted in application to "Advertising and Marketing Communications to Children". It is clear that the TVC is primarily directed to adults and we submit that the complaint should 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 advertising fast food to children and that the advertiser has hijacked a popular nursery rhyme.

The Board noted that the issue of using nursery rhymes in advertising is not an issue which would fall under the provisions of the Codes and therefore the Board cannot consider this in their determination.

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 program in which the advertisement is shown is not relevant to the determination of whether or not an advertisement is directed primarily to children.

The Board noted the advertisement depicts the preparation of a Serious Lamb Taster whilst a male voiceover describes the ingredients used. The Board noted that the voiceover quotes from the nursery rhyme, “Mary had a little lamb”: ...you can afford one for the master, one for the dame and one for the little boy who lives down the lane”.

The Board noted the complainant’s concerns that the use of the nursery rhyme would make this advertisement attractive to children and considered that whilst children may recognise the rhyme in the Board’s view the use of a nursery rhyme is of appeal to a broad audience and not primarily children. The Board noted the theme of the advertisement (the low cost of the new Serious Lamb Taster), the visuals (a Serious Lamb Tester being prepared) and the language (a male voiceover describing the contents and the low cost) and considered that overall the advertisement is not directed primarily to children.

The Board determined that as the advertisement does not meet the definition of ‘advertising to children’, the initiative did 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 is not directed primarily to children and therefore the Children’s Code and Part 3 of 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 Initiative, the Food Code, the Children's Code, or the Code of Ethics, the Board dismissed the complaint.