



Case Report

1	Case Number	0431/10
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	27/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message
2.8 - Food and Beverage Code undermines healthy lifestyle

DESCRIPTION OF THE ADVERTISEMENT

A male voice over describes the classic Big Mac and we see a burger being made, ingredient by ingredient.

The voice over then goes on to describe other classics such as the classic joke, move, good deed, trick, wingman and finally sauce, and we see a woman using one of her McDonald's fries to take some sauce off her male companion's Big Mac.

We then see a shot of a Big Mac along with the text, "Big Mac. Here's to the classics" followed by the McDonald's logo.

THE COMPLAINT

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

We write to complain about a McDonald's advertisements that we consider to be in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSRI).

We believe that the advertisement breaches clause 4.1 of the QSRI because it is an Advertising and Marketing Communication to Children for food (a Big Mac) which does not represent a healthier choice according to the QSRI nutrition criteria.

Advertising and Marketing Communication to Children

'Advertising or Marketing Communications to Children' is defined in clause 7 of the Initiative to mean such communications which 'having regard to the theme visuals and

language used are directed primarily to Children and are for food and/or beverage products’.

The advertisement is a generic advertisement for McDonald’s Big Macs which would appeal to all age groups including children. However the advertisement was broadcast during Junior Masterchef a program specifically designed for and targeting children. According to television viewing data for metro audiences in 5 capital cities the first episode of Junior Masterchef was the highest rating program for children younger than 12 (between 22 August and 18 September 2010) with 417 000 children under 12 in the metro audience (in the 5 capital cities surveyed). Therefore clearly the Big Mac advertisement was intended to target children and was watched by a very significant number of children.

Nutrition criteria

The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSRI require that a meal must not exceed maximum limits of saturated fat (0.4g per 100KJ) sugar (1.8g per 100KJ) and sodium (650mg per serve).

According to nutrition information on the McDonald’s website a Big Mac contains 0.51 g of saturated fat per 100kJ and 958mg of sodium per serve. It therefore fails to meet the QSRI nutrition criteria.

For the reasons set out above we believe the Big Mac advertisement breaches clause 4.1 of the QSRI.

We ask the Advertising Standards Bureau to submit this advertisement to the Advertising Standards Board for consideration. We ask the Board to request McDonald’s to cease broadcasting this advertisement (and other advertisements for unhealthy products) during programs such as Junior Masterchef which are watched by large numbers of children.

THE ADVERTISER’S RESPONSE

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

McDonald’s does not consider that the television commercials are in breach of the Australian Association of National Advertisers Code, and we thank you for the opportunity to make submissions to the Board in support of this view.

Sections of the Code cited by the Complainant

The Complainant cites:

? Section 2.8 of the AANA Code of Ethics:

“Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code”

and more specially section 2.2 of the AANA Food & Beverages Advertising & Marketing Communications Code which provides that:

“Advertising or Marketing Communications for food or beverage products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption

through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Standards”

? Section 4.1 of the Australian Quick Service Restaurant Industry Initiative(QSRI) for Responsible Advertising and Marketing to Children:

“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

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

(i) Healthier choices, as determined by a defined set of Nutrition Criteria for assessing children’s meals

(ii) Physical activity”

We do not believe that the above sections of the Code or the QSRI apply to these commercial as we are not advertising to Children. Reasons include:

? Junior MasterChef Australia runs at 7.30pm on Sunday evenings. While we appreciate that this viewing slot captures a wide audience, this timeslot is primarily viewed by the 18-54 year old demographic. Our target audience for the commercials are the 18-54 year olds;

? The timing and nature of this show allows for “G” to “PG” advertising. Both commercials have a rating of “G”; and

? Other commercials shown during this timeslot and Junior MasterChef Australia are either family or adult advertisers.

The commercials are in no way intended to, nor do they, target children.

Sections of the Code cited by the ASB

The ASB has asked us to consider Section 2 of the AANA Code of Ethics and comment on any matters we feel fall broadly within this Section of the Code. We consider that section 2.4 of the Code together with the Code for Advertising and Marketing Communications to Children are relevant to the issues raised by the Complainant but that these matters are adequately addressed by the above submissions.

We thank the Bureau for the opportunity to respond. McDonald’s takes seriously its responsibilities under the AANA Codes and we look forward to the Board’s determination.

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), Section 2 of the AANA Advertiser Code of Ethics (the “Code”) and the AANA Code for Advertising and Marketing Communications to Children.

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 as determined by the defined 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 noted that the QSR Initiative applies to ‘advertising or marketing communications to children’ which means ‘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 noted that the advertisement features a description of a Big Mac as a classic, and then the voiceover goes on to describe other classics, with the accompanying visuals for each description. The Board noted that the classics referred to in the advertisement would all have principal appeal to adults. The Board considered that the language used in the voiceover was aimed at adults.

The Board considered that the overall theme (the classic Big Mac burger), visuals (adults participating in adult activities such as dancing in a nightclub) and language (description of the Big Mac and other 'classic' adult situations) used are not directed to children. The Board considered that this advertisement is not directed primarily to children and does not breach the QSR Initiative.

The Board then considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children. The definition of what is advertising and marketing communications to children' in the AANA Children's Code is largely the same as that in the QSR Initiative. For the same reasons noted above, the Board considered that this advertisement is not primarily directed to children, therefore the provisions of the Children's Code are not applicable in this case.

The Board then considered the advertisement under the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). The Board considered that an advertisement for the Quarter Pounder product is not, of itself, an advertisement that would 'otherwise contravene prevailing community standards' and that the advertisement did not breach section 2.1 of the Food Code. The Board determined that the advertisement did not breach any other provisions of the Food Code.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board dismissed this complaint.