



CASE REPORT

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| 1. Complaint reference number | 102/07 |
| 2. Advertiser | McDonald's Australia Ltd |
| 3. Product | Restaurants |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 10 April 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features groups of people "forming" 3D images of McDonald's Tick Meals.

Large groups of people wearing coloured clothing (red, green and various) come together representing ingredients of the Tick meals and start to climb on top of each other to create a structure which, when the camera zooms out, is revealed to be a giant hamburger. At ground level we see a group of people dressed in orange running towards an orange structure, which the camera reveals to be a giant orange juice. Zooming away the camera reveals the "burger and juice" is accompanied by a Garden Mixed Salad, still being "constructed" by people climbing to the peak of the structure. Finally, shown onscreen in their normal form are the nine Tick Approved Meals.

THE COMPLAINT

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

I believe that this could give the message to kids that it is alright to pile on top of each other. This could result in the child on the bottom or in the middle being crushed or suffocated.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The advertisement is one part of a campaign produced to show a fantasy scene and it is not intended or designed to simulate reality. It is also important to note that the general tone of the TVC is light hearted in employing the fantasy approach. It was never McDonald's intention to cause offence to any group of people given the type of approach employed and to show people in a safe environment at all times.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the advertisement and considered whether the acts depicted in the advertisement showed material contrary to prevailing community standards on health and safety.

The Board considered whether the depiction of the giant human pyramid in the advertisement was likely to encourage viewers to take dangerous risks as a result of viewing the advertisement. The Board noted that it had previously considered and upheld complaints about other advertisements that

showed dangerous acts, but the Board agreed that these previous advertisements had contained footage of more realistic scenes. In this case, the Board considered the unrealistic number of people piling on top of one another and concluded that the advertisement was unlikely to encourage dangerous behaviour because the scene that advertisement depicted was considered by the Board to be 'pure fantasy'.

The Board also considered whether the advertisement breached the AANA Food and Beverages Advertising and Marketing Communications Code ("F & B Code"). In the absence of presented evidence to the contrary, the Board found that the advertisement did not breach the F & B Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.