



CASE REPORT

1. Complaint reference number	121/08
2. Advertiser	McDonald's Australia Ltd
3. Product	Restaurants
4. Type of advertisement	TV
5. Nature of complaint	Food and Beverage Code – untruthful/dishonest
6. Date of determination	Monday, 19 May 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on two young men at the counter of a McDonald's restaurant, circa 1981. A staff member picks up a Cheeseburger and a Big Mac from the warming bin and serves the young men who are then shown eating their meal. One of the young men stacks fries into his Cheeseburger before taking a bite. The other looks on with distaste. The advertisement cuts to the present, the same two men (portrayed as older) are standing at the counter of a McDonald's restaurant. A voice over states "You're not the only one who's changed." We see shots of a Big Mac being finished, then slid to the front where a staff member places it on a tray. Voice over continues "At McDonald's, now we only make your burger when you order." The staff member hands the tray to the men, and we see they are with their two sons, as the four of them turn to sit down. "It's as fast as ever, and it tastes even fresher." The four sit down, one of the men pauses to stack fries into his Cheeseburger and takes a big, satisfying bite. This time it is one of the boys who looks on with disgust. "McDonald's is making your burger better than ever." (Alternate 1: Come and see how McDonald's is making your burger better than ever. Alternate 2: Come into McDonald's where your burger is better than ever.)

THE COMPLAINT

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

I know from experience that this view is a lie. Since this process, while the burgers are probably fresher, it certainly takes longer to produce and leads to longer waiting times. It bothers me when I see the ad and my mother encouraged me to make a formal complaint under either Section 2.1 of the Food and Beverages Advertising and Marketing Communications code or Section 1.2 of the Advertiser Code of Ethics as both and possible more are breached by the statements.

THE ADVERTISER'S RESPONSE

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

The ad was developed as part of a campaign which communicated the benefits of the new Made For You (MFY) cooking platform at McDonald's, which was designed to ensure that all our burgers using this platform are made to order.

The commercial states among other things that the delivery of our burgers is "as fast as ever". We were at all times mindful that such a claim would require substantiation, so we analysed the operational performance of the two platforms, Grill Direct (old) and Made For You (new), to determine which provided our customers with a faster service experience.

The analysis involved comparing the average total experience time (i.e. time from order to product delivery) for customers in both Drive Thru and at Front Counter in Made For You restaurants

versus Grill Direct restaurants over a 3 month period.

The results showed that the Made For You restaurants with an average service time of 214 seconds compared favourably with Grill Direct restaurants which had an average service time of 221 seconds.

On the basis of our testing, we can confidently say that the Made For You cooking platform provides as fast if not faster delivery of products to customers (i.e. our burgers are delivered “as fast as ever”).

We have plans for this commercial to air in all markets until the end of May. In the future, we may wish to schedule this commercial nationally on an ad hoc basis.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted that the complainant was concerned with the truth and accuracy of statements contained within this advertisement. The Board could not comment on these matters under Section 1 of the Code as they are outside of the Board's remit. The Board however, could consider the claims under Section 2.1 of the Food and Beverages Code which states:

Advertising and/or Marketing Communications for Food and/or Beverage Products shall be truthful and honest, shall not be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising and/or Marketing Communication with an accurate presentation of all information including any references to nutritional values and/or health benefits.

The Board viewed the television advertisement and noted the claims that customers would not wait any longer for their burger even though it was now being prepared for them at the time that they placed their order.

The Board noted that its members were not experts in this field and referred to the advertiser's response which provided figures to demonstrate the claims as truthful.

The Board further noted that the advertisement did not quote exact timings but instead made the claim 'as fast as ever'. The Board concluded that the average consumer would regard this claim as truthful and honest.

Further the Board considered that this claim was appropriate for the target audience and would not be misunderstood or considered to be misleading.

The Board found that based on prevailing community standards about truth and honesty the advertisement complied with Section 2.1 of the Food and Beverages Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.