



CASE REPORT

1. Complaint reference number	152/05
2. Advertiser	McDonalds Aust Ltd (Happy Meals - Kim Possible toy)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Advertising to Children Code – Other – section 2.4
6. Date of determination	Tuesday, 14 June 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The first scene in this television advertisement depicts a group of young school children exiting a school classroom. One young girl removes a mobile phone from her pocket to receive a text message. The text message reads “Time warp to McDonald’s now”. As the children look up from the mobile phone a computer-generated graphic of a “time warp” appears in front of them. They jump into the computer-generated time warp and disappear. The next scene shows them suddenly appearing inside a McDonald’s store. The advertisement contains several cuts from the Disney television programme “Kim Possible”. The remaining scenes in the advertisement show the children playing with the Happy Meal toys.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“I think this ad is totally offensive and inappropriate as it features children who appear to be under the age of 8 in their school uniform with mobile phones. This sort of advertising is going to contribute to the new mobile phone epidemic among youth and it is clear from the advertisement that McDonald’s are promoting the use of mobile phone technology among primary school children.”

THE ADVERTISER’S RESPONSE

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

“... The device shown on the TV commercial for the Kim Possible Happy Meal, which resembles a mobile phone, was used to reflect the story-line of the Kim Possible TV show on which this promotion is based.”

“In the Disney show, ‘Kim Possible’ ... has what she calls a “Kimmunicator” on which she receives her secret missions which is what we were depicting in the commercial. Children who watch Kim Possible will relate to this instantly ... you will note from viewing the TV commercial that the schoolgirl does not use the “Kimmunicator” like a phone, but holds the device in her hand and reads a message on its screen. The screen is set up not to look like a phone...”

THE DETERMINATION

The Advertising Standards Board (“Board”) was required to determine whether the material before it was in breach of the AANA Code of Advertising to Children.

To come within the AANA Code of Advertising to Children, the material being considered must be an “advertisement”. The AANA Code of Advertising to Children defines an “Advertisement” as follows:

“matter which is published or broadcast other than via internet, direct mail, point of sale, packaging or direct distribution to individuals, in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct”

The Board decided that the material in question was broadcast in all of Australia or a substantial section of Australia for valuable consideration, given that it was being broadcast on television in Australia .

The Board determined that the material draws the attention of the public or a segment of it to a “product” being a McDonald’s Happy Meal “in a manner calculated to promote... that product”. Having concluded that the material is an “advertisement” as defined by the AANA Code of Advertising to Children, the Board then had to determine whether the advertisement is for a “Product”. “Product” is defined in the AANA Code of Advertising to Children as meaning;

“goods, services and facilities which are targeted toward and have principal appeal to Children”

“Children” are defined in the AANA Code of Advertising to Children as being 14 years old or younger. The Board determined that, because a Happy Meal includes a toy that appeals to Children, it is a “good” targeted toward and having principal appeal to Children and accordingly is a Product. The Board then needed to determine whether the advertisement is an “Advertisement to Children”, which is defined in the AANA Code of Advertising to Children as meaning:

“Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

The Board determined that the cartoon theme of the advertisement was clearly directed to children. The Board also considered that the visuals of the advertisement which included animated scenes from a children’s cartoon series had principal appeal to Children. Such factors confirmed the Board’s decision that the advertisement is an Advertisement to Children and therefore one to which the AANA Code of Advertising to Children applies.

The Board then analysed the specific sections of the AANA Code of Advertising to Children and their application to the advertisement. The Board identified that clause 2.11.1 was relevant in the circumstances.

In order for clause 2.11.1 to be complied with, the advertisement must:

“... comply with the AANA Advertiser Code of Ethics.”

The Board therefore considered whether this advertisement breaches section 2 of the AANA Advertiser Code of Ethics (“the Code”).

The Board found that in the context of prevailing community standards the advertisement did not breach the provisions of the Code.

On the above basis, the Board held that the material before it did not constitute an Advertisement in breach of clause 2.11.1 of the AANA Code of Advertising to Children.

Accordingly, the complaint was dismissed.