



CASE REPORT

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| 1. Complaint reference number | 181/07 |
| 2. Advertiser | McDonald's Australia Ltd (Happy Meals - drain/ring) |
| 3. Product | Restaurants |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code – Safety – section 2.4 |
| 6. Date of determination | Tuesday, 12 June 2007 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement in animated style, features a little girl (Polly) and her girlfriend leaving school riding their skateboards. The girls stop their journey when they see a woman sitting on a park bench, crying. The woman explains “I’ve lost my ring – it’s down the drain.” Polly jumps down a manhole and faces a fearsome green two-headed monster. On one of its fingers is a gold ring. In a flash, she wrestles the ring from the monster and leaps back up to the street. The woman tells them “For being kind, I have a nice reward in mind. I’m the McDonald’s Boss’ wife, free Happy Meals are yours for life.”

Polly and her friend are then seen in the company of the woman and her husband, and the monster, happily tucking into a Happy Meal at McDonalds. A male voiceover which has been narrating the story concludes “Sonic X are in Happy Meals now, and Polly Pocket’s totally wow!”

THE COMPLAINT

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

I think that this ad may encourage children to climb into drains, to recover toys etc. Or to look for valuables. I have had experiences in the past, and know the dangers that can occur. I am sure others are also aware from news stories seen before on the accidents (sic) that can occur from entering storm drains.

I think that this ad is sending a very strong message contrary to everything we are teaching our kids about stranger danger - talking to strangers, being bribed to go somewhere with strangers etc,

I am trying to educate my son about stranger danger. Jumping down a drain for a complete stranger seems a bit to close to helping someone look for a lost puppy. Not to mention happily going off with her for a lifetimes supply of MacDonaldis as a reward. This add is aimed at children of an age who (unfortunately) should be learning about stranger danger and especially about not going off with someone they don't know because they have offered a treat.

Climbing down a drain is dangerous - govts at various times have raised awareness of this danger and this cartoon is making it look like fun! The woman in the park is a stranger - and these children are speaking to her and responding to her bizarre request.

Do not think it's sensible to be encouraging children with rewards and adventures from playing in street storm water drains. Gives the false impressing that they are easy to enter and leave, and ignores obvious dangers of flash flooding of the pipes. Even with adult supervision, they are not safe for small children to play in.

In this day ...I thought ppl were having enough trouble keeping their children safe from strangers,,trying to teach children about stranger danger is hard enough ... but now we have

Macdonalds telling our children it is ok to crawl down a drain for a stranger if she is crying and offers you burgers...well I dont think it is... childsnatcher Australia wide must be loving this add and stocking up on Macas as we speak...This add sucks

I believe that this is an extremely negligent advertismment that contradicts the stranger danger warnings that are promoted to children. The ad demonstrates that if you help a stranger they will take you to McDonalds. This idea could be used to lure children in abduction cases.

I believe the advertisement openly encourages children to venture into drainage systems. Safety factors which an adult may consider, but a child most likely wouldn't is the risk of drowning, the fact it is most likely a confined space, which may contain toxic gases, or any other myriad of dangers such as cuts, slips, trips and falls. It is very poor form in my opinion, as an emergency response officer, that an adult would employ a child to enter a drainage system to retrieve a ring. Children are likely to wrongly have the belief that if they go into a drainage system, they may find valuable rings or the like.

Children should not be encouraged to help a stranger and then accept an offer of a reward.

In the days where "stranger danger" situations are highlighted to our community, I object to an ad that encourages children to not only talk to strangers, but follow them somewhere and accept gifts!!

At no time is there any sign of the children's parents and contrary to child safety education, the ad makes it appear acceptable and in fact rewarding, to assist strangers, do what they ask and then travel with them to receive a reward. This is deeply concerning because it definately sends the wrong message to children, and the tragedy so many parents suffer as a result of someone taking/abusing/killing a child needs to be avoided at all costs and requires major support and not a fun depiction such as seen in the McDonalds ad.

I find this add regardless of the fantasy image implied, to be sending the wrong message.

There are enough pedophiles in this world to prey on children, we don't need McDonalds to suggest a new grooming technique for them to acquire or to encourage children to accept such offers.

Entry into drains is dangerous for anyone unless properly trained and confined space entry procedures are used. The ad encourages children to go into drains, (albeit for a noble cause). This ad is contrary to government warnings about not to enter pipes, drains, or culverts. The ad should be removed before there is a serious injury.

THE ADVERTISER'S RESPONSE

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

The scenario takes a true 'child' insight and develops it through imagination and animation to show an imaginary fun and magical day through the eyes of a child eg. having fantasy fun helping a woman who needed help and being rewarded for a good deed.

'The Ring' featured a pair of girls in an animated story helping a woman who was upset losing a ring. In their imaginary world they have the ability to levitate down the hole to help the woman in a fantasy way and they are thanked for their help. The TVC is deliberately over played and over-fantasised by way of animation ending in the McDonald's restaurant for their reward.

Given the animated style and the nature of activity and the over-exaggeration of the imagination and fantasy, we would submit that the ad is not in breach of clause 2. The concept behind the TVC is similar to "Staines Down Drains" Cartoon that is on Saturday mornings on Channel 7 rated 'C' that has a brother and a sister going down in to the drains to fight the evil Doctor Drain with the help of their friends the 'germs', as does some well known animation series.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Advertising to Children Code (the Children's code).

To come within the Children's Code, the material being considered must be an "advertisement". The Children's Code defines an "Advertisement" as follows:

"matter which is published or broadcast 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 McDonald's Happy Meals "in a manner calculated to promote...that product".

The Board then needed to determine whether the advertisement is an "Advertisement to Children", which is defined in the Children's Code as meaning:

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

"Children" are defined in the Children's Code as being 14 years old or younger. The Board determined that noting the product, music, theme and visuals used in the advertisement, the advertisement was directed primarily towards children and was therefore within the scope of the Children's Code.

Having concluded that the material is an "advertisement to Children" as defined by the Children's Code, the Board then had to determine whether the advertisement is for a "Product". "Product" is defined in the Children's Code as *meaning*:

"goods, services and facilities which are targeted toward and have principal appeal to Children".

The Board determined that the McDonald's Happy Meal is a "good" targeted toward and having principal appeal to Children and accordingly is a Product.

The Board determined that the advertisement should be considered under the AANA Children's Code. The Board noted the complaints about the advertisement and considered particularly the elements of the advertisement that involved children coming to the aid of a stranger, undertaking a dangerous task for a stranger, and going off with a stranger for a reward.

The Board noted clause 2.2.1 of the Children's Code which provides:

'Advertisements to children (a) must not portray...unsafe situations which may encourage children to engage in dangerous activities.'

The Board considered that the story of the advertisement depicted a child undertaking a task at an adult's request and that that task put the child in an unsafe situation, ie: climbing into a drain. The Board then considered whether this depiction may encourage children to engage in dangerous activities. The Board considered that the advertisement was certainly designed to be attractive to young children and to encourage them to eat McDonalds. The Board considered it quite possible that the depiction of a child receiving a significant reward for going into a drain may encourage young children to engage in a dangerous activity.

The Board also considered that the depiction of children helping a stranger and then going with that stranger at the promise of a reward was a depiction of a potentially unsafe situation. The Board found the text of the advertisement 'For being kind, I have a nice reward in mind. I'm the McDonald's Boss' wife, free Happy Meals are yours for life.' particularly troublesome as it is the type of language that has potential to encourage a child to go off with a stranger. The Board considered that this element of the advertisement may well encourage young children to engage in a dangerous activity, ie: going off with a stranger.

The Board also noted clause 2.4.1 of the Code which provided *'Advertisements to children (a) must not undermine the authority, responsibility or judgment of parents or carers.'* In this regard the Board noted that parents, child care centres, and preschool settings all actively aim to teach young children of 'stranger danger'. The Board considered that this advertisement did undermine the authority

of parents or carers in its message that it is acceptable to go with a stranger for a reward. The Board noted that a breach of clause 2.4.1 of the Code can result from the overall impact of an advertisement and does not require the advertisement to contain an explicit statement that a parent's judgement or advice is wrong.

The Board noted that the advertisement is animated and clearly a cartoon and discussed whether this minimised its impact on the target audience - young children. The Board considered that animation can reduce the extent to which a viewer will consider an advertisement a depiction of reality or a depiction of likely behaviour. However the Board considered that in this advertisement the overall theme and message of the advertisement was so strong that the troubling elements of it were not diminished to a sufficient extent by the animation. Despite the animation and the presence of an alien increasing the 'fantasy' element of the advertisement, the Board considered that the advertisement was realistic enough that the depictions in it did amount to a breach of the provisions of the Code described above.

The Board then considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). The Board considered that the advertisement did not breach the Food Code. Finally, the Board considered whether the advertisement breached the AANA Code of Ethics (the Code). The Board noted that clause 2.6 of the Code does not apply to advertisements to which the Children's Code applies. The Board considered that the advertisement did not breach any other provisions of the Code.

The Board determined that the advertisement breached clause 2.2.1(a) and 2.4.1 of the Children's Code and upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the Board's determination to uphold the complaints included the following:

At McDonald's we understand the integral part we play in the daily lives of many Australians. We have a responsibility to ensure that we work with, educate and look after those that visit us in the communities in which we operate, and we take this responsibility very seriously.

We have developed Community Safety Announcements focusing on road, fire and pool safety as well as our "Never Stop Playing" TVC to encourage children to have an active and healthy lifestyle. These TVC's help younger audiences learn these important messages in a fun way.

The animated TVC - "The Ring" shows Penny and her friend helping a lady find her lost ring was deliberately over-played showing the story as being in a fantasy world, not reality.

Like many of our TVC's, this script was researched among parents and children and no 'Stranger Danger' comments were raised as a concern in any of these groups. If it had of been raised, we would have addressed the issue prior to the TVC going to air.

We voluntarily took the TVC off air on the 5th June.

Thank you for the opportunity to comment on the ruling. You can rest assured we take our position in the community very seriously and would not do or communicate anything that we feel would deliberately put our younger customers in danger.