



## CASE REPORT

1. Complaint reference number	299/08
2. Advertiser	McDonald's Australia Ltd
3. Product	Restaurants
4. Type of advertisement	Print
5. Nature of complaint	Food and Beverage Code – other
6. Date of determination	Wednesday, 13 August 2008
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This series of print advertisement feature former Australian Olympic athletes (including Jane Flemming and Anna Meares) consuming McDonald's products and relating how immediately after winning their medals, they had headed straight to a McDonald's restaurant to eat the food they had denied themselves for so long whilst in training.

## THE COMPLAINT

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

*These advertisements are clearly designed to promote not only the McDonald's chain but specific (and unhealthy) fast food products to children as well as others through associating these products with sporting success and sporting heroes. They are designed to give the impression that eating McDonald's meals in general, and more specifically products such as "Big Macs", "fries", "thick-shakes" and "Hot Fudge Sundae with extra topping" is desirable and the kind of behaviour children and others should associate with top sportspeople, sporting success, role models and healthy activity. The Flemming advertisement further promotes a link between eating McDonald's Big Macs, French Fries and thick-shakes with participation in Little Athletics. This is deplorable and irresponsible advertising, at a time when there is growing and justified concern about rising levels of obesity in our community. The advertisements contravene various sections of the Codes administered by the Bureau (see examples below). If the view is taken that these advertisements do not contravene any aspects of the Codes, despite the manifest intent to promote unhealthy foods to children and others through associating such foods with sporting success and champion athletes, it will be clear that the Codes are inappropriately phrased and should be amended as a matter of urgency to ensure an end to such forms of cynical and irresponsible advertising.*

## THE ADVERTISER'S RESPONSE

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

*These advertisements form part of a series that talks about our customers' experiences and moments when visiting McDonald's restaurants. Each of the advertisements in the series depicts real recollections our customers have of their visits to McDonald's.*

*In keeping with the theme of this advertising campaign and in conjunction with our ongoing sponsorship of the Olympic Games, our current advertisements depict truthful and honest accounts of Australian athletes. The advertisements recount the memories of athletes visiting McDonald's - like going to McDonald's for a treat after competing in the Olympic Games. The moments are a truthful and honest account of real life occasions and do not contravene the truthful and honest advertising requirement in section 2.1 of the Food & Beverage Code ("Code").*

*McDonald's is the 'Official Restaurant' of the Beijing 2008 Olympic Games and has been a partner of the Olympic Games for 40 years, with a restaurant in the Athletes' Village for the last three Olympic Games.*

*The advertisements reveal that McDonald's is consumed by the athletes featured as an occasional reward or treat. In no way does this undermine the importance of healthy and active lifestyles nor encourage excess consumption in contravention of section 2.2 of the Code. Furthermore, the advertisements do not make any nutritional or health-related comparisons as per section 2.4 of the Code.*

*Like all of our advertising, the concept of the advertisements was put into research to gauge customer reaction. No-one from research groups raised any concerns.*

*These advertisements featured in publications catering for adult audiences, such as Women's Day, Sunday Times, Alpha and New Idea magazines and were not targeted at children nor published in children's titles. These advertisements were communicated in a manner appropriate to the level of this adult target audience with an accurate presentation of all the information in accordance with section 2.1 of the Code.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") viewed this series of print advertisements and considered whether these advertisements breach the Food and Beverages Code (the "Food Code").

The Board considered the relevant clause of the Food Code to be Section 2.2 which states:

*Advertising and/or Marketing communications for Food and /or Beverages shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered 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 Community Standards.*

The Board noted that the food was being offered as a treat or a reward not as a meal alternative.

The Board considered that given the complexity of the obesity debate to suggest that these advertisements were encouraging unhealthy dietary choices was too simplistic.

The Board also noted that there was no implication that by eating McDonald's you will turn into an elite athlete.

The Board found that these advertisements did not breach the Food Code.

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

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