



## CASE REPORT

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| 1. Complaint reference number | 434/06  |
| 2. Advertiser                 | McDonald's Australia Ltd  |
| 3. Product                    | Restaurants   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Advertising to Children Code – Other – section 2.4<br>Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 14 November 2006   |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two young McDonald's employees (Paul and Jessica) relating how they have had enough of their friends saying McDonald's hides information about their food, and that they are going to find out the facts by visiting a dietician's laboratory. As a dietician (Sarah Patterson) tells them McDonald's was the first Aussie restaurant chain to introduce Nutrition Information panels on their packaging, we see lab technicians testing food in the background, weighing it and making notes about the ingredients. Sarah continues "And now, Percent Daily Intake labels help you monitor your intake to fit your lifestyle". Jessica spots a couple of lab technicians sitting in the corner eating Big Macs and asks "What are they testing?" to which Sarah replies "That's not a test. That's lunch".

## THE COMPLAINT

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

*McDonalds imply that all their food (not just their newer lower fat options - these are not pictured in this ad) is healthy because it is being eaten by dieticians/nutritionists and because they display their nutrition information on the food wrapping. It assumes that consumers (ie children and teenagers) can/will read and understand this information and that they also understand that these foods should be eaten only occasionally as part of a balanced diet and in conjunction with regular exercise. This of course is not the case. Most children and teenagers would not be able to interpret nutrition panels even if they read them.*

*I believe this ad. breeches (sic) part of Section 2 of the AANA Code of Ethics pertaining to advertising to children as it does not contain qualifying statements and promotes unsafe eating behaviours.*

## THE ADVERTISER'S RESPONSE

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

*The focus of the TVC is to remind consumers of the information made available by McDonald's regarding their food so that they can make informed choices about the food they eat.*

*The TVC makes two factual statements – firstly that McDonald's was the first Aussie restaurant chain to introduce nutrition information panels on their packaging. Whilst it is unfortunate that the complainant considers the panels difficult to interpret, the panels are in accordance with the Food Standards Australia and New Zealand Code requirements.*

*The second statement highlights that percent daily intake labels are now on McDonald's*

*packaging to help consumers monitor their intake to fit their lifestyle.*

*The shot of the lab technicians eating a single burger and the question being asked “what are they testing”, after the previous shot of the technicians testing ingredients, is to add a light-hearted and humorous touch to the ad when the dietician responds “that’s not a test – that’s lunch”. A burger can be eaten as part of a balanced diet.*

## **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 noted that complainant’s assertion that the advertisement breached the AANA Code for Advertising to Children (the Children’s Code).

The Board considered whether the advertisement was subject to the Children’s Code. Having regard for the theme, visuals and language presented, the Board considered whether the advertisement was ‘directed primarily’ (section 1(c)) to children 14 years old or younger (section 1(d)).

In view of the imagery which is centred around a test lab with serious-looking people in lab coats, the Board determined that the advertisement was not primarily directed towards children 14 years old or younger. Hence the Board determined that the Children’s Code did not apply.

The Board then considered whether the advertisement breached section 2.6 of the Code relating to health and safety. The Board concluded that advertising the McDonald’s product would not of itself be considered by the community to be breaching prevailing standards on health and safety. The Board therefore determined that the advertisement did not breach section 2.6 of the Code.

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