



## CASE REPORT

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|-------------------------------|---|
| 1. Complaint reference number | 444/09  |
| 2. Advertiser                 | Hungry Jacks  |
| 3. Product                    | Food & Beverages                                      |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Food and Beverage Code – undermines healthy lifestyle |
| 6. Date of determination      | Wednesday, 28 October 2009                            |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

This television commercial commences with a young man sitting down at a table with a burger in front of him. The voiceover says, "wouldn't it be great if your hunger decided the size of things". Introducing Hungry Jack's excel burgers single, double or triple extra large, ... cheese, bacon and bbq sauce ... Hungry Jack's new excel burgers, let your hunger decide the size. The man is seen to magically change his television from small to large, his armchair from small to large and his burger from small to large.

## THE COMPLAINT

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

*I would like to make a complaint regarding the Hungry Jack's "Let your hunger decide the size" ad. The ad is promoting their new range of burgers the XL, XXL, XXXL burgers. The ad was seen on Channel 7 at 5pm on Monday, 21 September 2009.*

*This ad is in breach of the AANA F&B Advertising and Marketing Communications code 2.2 'Food & beverage products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes'. The ad depicts a young male sitting in front of the TV opening up a Hungry Jack's burger, the voiceover states that he can let his hunger decide the size which show the option of the XL burger with one beef pattie, the XXL burger with two and finally the XXXL burger with three beef patties. The end of the ad shows the TV increasing in size form a small screen to a large screen TV and the small armchair the young male is sitting in becomes a large recliner.*

*The ad promotes and encourages unhealthy eating habits to both adults and children. While the ad tells you to let your hunger decide this size it doesn't tell you the difference in the fat content between the burgers, with the fat content tripling from the XL burger to the XXXL burger (15.3g of saturated fat vs 43.2 of saturated fat, per serving) and clearly promotes the larger burger.*

*This ad promotes not only unhealthy eating habits but an unhealthy lifestyle by depicting the young man consuming the burger on the lounge in front of the TV. The super sizing of meals by fast food companies is irresponsible and this ad clearly breaches the codes.*

*I think it is irresponsible to give a message, that it is wise to let your hunger decide the size of this particular fast food. It is not a healthy balanced meal. Although it is not aimed at children, if children were to listen to this message then they might choose more food in this food group that is wise for them. Eating high calorie high fat food as a mainstay of a diet is not wise. Encouraging young people to supersize by giving them permission in this way is underhand. Hunger is not the brain, so hunger should not decide the size of your fast food. You can satiate your hunger eating a balanced meal with the appropriate vegetables and lean protein. In fact lean protein does more to quell your hunger than high fat burgers. The ad is just trying to convince people to not listen to their inner voice which says eat sensibly. Also I object to any ad that treats us like we are brain*

dead.

## **THE ADVERTISER'S RESPONSE**

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

*Hungry Jack's as a responsible marketer takes it's responsibilities very seriously and carefully considers its advertising and promotion.*

*The XL Burger Promotion clearly recognizes that each individual is different, has different hunger sizes and appetites. This concept recognizes if you are not very hungry have a small burger, if you are reasonably hungry have a mid sized burger and if you are very hungry there is a larger burger option.*

*We are not encouraging over consumption on the contrary we are letting the individuals hunger and need state decide. The issue is up to the individual in as much if you had been working at a desk all morning then you may not be very hungry and if you had been for a 60 min run or exercise then you may well be pretty hungry, listen to your body and let your hunger decide.*

*We would also like to advise you that the XL burger promotion ran for 4 weeks and ended on the 29th of September 2009. There is no promotional material or advertising of this promotion still in the market place.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the Food and Beverages Code ("the F & B Code").

The Board noted the complainants' concerns that the statement let your hunger determine the size of food was in breach of the codes administered by the ASB, promoting the eating of high-calorie foods as the mainstay of a diet is not wise and that promoting the supersizing of meals by fast food companies was irresponsible advertising.

The Board considered whether the advertisement was in breach of section 2.2 of the F & B Code. Section 2.2 of the Code states:

*"Advertising or Marketing Communications for Food or Beverage Products 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 products or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Stanards".*

The Board noted the advdertiser's response and viewed the advertisement.

The Board noted that the advertisement was promoting the concept of letting your hunger determine your meal portions and that it depicted a person eating a large burger. The Board considered that the advertisement did not promote unhealthy eating habits merely by depicting the consumption of a large burger on a single occasion. The Board considered whether this advertisement is promoting excess consumption through the representation of the products or portions sizes or by what is considered to be a breach of the prevailing community standard. The Board agreed that the differing sizes of the burgers depicted in the advertisement were represented in the context of how hungry the man was and in this instance it made reasonable sense that a man of his size would not necessarily satiate his hunger by dining on the smaller portioned burger. The Board considered that the depiction of a person eating this product on one occasion made no explicit or implied reference or recommendations as to the frequency of consumption of the product nor to the overall lifestyle of the person. THE Board considered that the advertisement did not depict excess consumption nor did it promote unhealthy eating habits.

The Board determined that the advertisement did not breach section 2.2 of the F & B Code.

The Board then considered whether the advertisement represented advertising to children. The Board

agreed that the advertisement was clearly aimed at adults and was not targeted to children. The Board also noted that the advertisement has now ceased and there is no promotional material or advertising of the burger currently in the market place.

Finding that the advertisement did not breach any other sections of the F & B Code or the Code, the Board dismissed the complaint.