

## Case Report

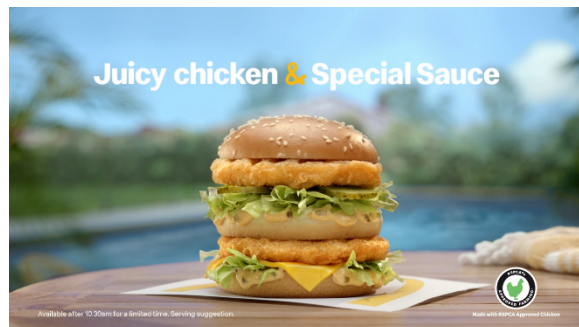
1. Case Number :	0001-24
2. Advertiser :	McDonald's Australia Limited
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	24-Jan-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive

### DESCRIPTION OF ADVERTISEMENT

This 15 second advertisement is promoting McDonald's Chicken Big Mac. The Advertisement shows the burger components slowly being dropped onto the burger as the voiceover says "two all chicken patties, special sauce, lettuce, cheese, pickles, on a sesame seed bun. You heard correctly, it's the Chicken Big Mac and it's back".



### THE COMPLAINT

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

*Inaccurate and misleading advertising. The McDonald's advertisement says 'Two all-chicken patties, special sauce, lettuce, cheese and pickles on a sesame seed bun'. I believe it's for a 'chicken big mac'. The nutritional information, however, indicates that there are a lot of additional ingredients in the chicken patties rather than just chicken. Referring to them as 'all-chicken' indicates that they contain just chicken, and this is incorrect.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*Thank you for requesting a response to complaint number 0001-24 (Complaint).*

*We note that the Complaint has raised issues under the following codes of practice:*

- *AANA Food and Beverages Code – section 2.1 Not misleading or deceptive\*  
*not misleading or deceptive*

*McDonald's takes its obligations seriously in respect of adherence to all the codes of practice administered by Ad Standards. McDonald's entirely refutes any suggestion in the complaint or otherwise that the Advertisement breaches the Codes. Please see details below.*

*AANA Food and Beverages Advertising Code:*

*Section 2.1 provides the following:*

*"Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive".*

*In the current case, the complaint claims "the nutritional information, indicates that there are a lot of additional ingredients in the chicken patties rather than just chicken. Referring to them as 'all chicken' indicates that they contain just chicken and this is incorrect".*

*We submit that our Advertisement does not breach section 2.1 on the basis that the Chicken Big Mac burger patty is made with only RSPCA approved chicken breast and skin with all the other ingredients listed in the nutritional information forming the coating of the patty. When viewing the Advertisement as a whole, an ordinary consumer will see from the visuals that the chicken patty is coated and would assume that the voiceover reference to the 'all chicken patties' refers to the meat portion of the patty, as it is clear the coating is not made of chicken.*

*Given the above, the Advertisement does not depict material that is misleading or deceptive or likely to mislead or deceive.*

*AANA Advertising to Children Code*

*We note that this Code is only applicable if the Advertisement is considered as Advertising or Marketing Communications to Children.*

*We submit that this Code is not applicable to the Advertisement considering that the language used, theme and visuals of the Advertisement have a primary appeal to adults rather than children aged 15 years or younger.*

*AANA Code of Ethics*

*McDonald's does not believe the Advertisement is in breach of the following parts of section 2 of the Code of Ethics:*

- *2.1 – Discrimination or vilification;*
- *2.2 – Exploitative and degrading;*
- *2.3 – Violence;*
- *2.4 – Sex, sexuality and nudity;*
- *2.5 – Language;*
- *2.6 – Health and Safety; and*
- *2.7 – Distinguishable as advertising*

*AANA Food and Beverages Advertising Code*

*McDonald's does not believe the Advertisement is in breach of any of the parts of the Food and Beverages Advertising Code. Please see response above.*

*Conclusion*

*McDonald's concludes that the Advertisement does not breach any of the codes, and in particular does not portray its products in a misleading or deceptive way. Therefore, McDonald's respectfully disagrees with the complaint and request that the Panel dismiss the complaint on this basis.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concern that the advertisement is misleading by suggesting that the product contains only chicken.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that the product advertised is food and that therefore the provisions of the Food Code apply.

### **Section 2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.**

The Panel Noted the Practice Note to this section of the Food Code which includes:

*"In determining whether advertising for food or beverage products is misleading or deceptive or likely to mislead or deceive, the Community Panel will consider the likely audience for the advertising, including whether the advertisement is directed at the public at large or a more targeted audience. The Community Panel will consider whether or not an Average Consumer within the target audience would have been misled or deceived or likely to be misled or deceived by the advertisement."*

The Panel noted that the target audience for this advertisement would be fast food consumers.

The Panel considered given the visuals of the advertisement showing the patty, most viewers would recognise that the patty is coated before cooking and that when referring to the patty as “all chicken”, McDonalds is referring specifically to the meat itself and describing that the patty is not a combination of elements but is solely chicken.

The Panel considered that such a description is not unusual and that most viewers would recognise that there are many instances where a meat product may be seasoned or coated and still be referred to as “all meat”.

The Panel considered that the advertisement was not misleading or deceptive and was communicated in a manner appropriate to the understanding of the target audience.

### **Section 2.1 Conclusion**

The Panel determined that the advertisement did not breach Section 2.1 of the Food Code.

### **Decision**

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaint.