

COMPLAINT NUMBER	17/293
COMPLAINANT	C Eagle
ADVERTISER	McDonald's Restaurants (NZ) Ltd
ADVERTISEMENT	McDonalds's Restaurants (NZ) Ltd, Television
DATE OF MEETING	11 September 2017
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for McDonalds promoted its McCafe coffee that is now available from its drive-thru. The advertisement shows a man getting a coffee while driving though. A child is shown in the back of the car in a forward facing car seat.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, C Eagle, said: In their advert about getting coffee through their McCafe drive through they show a dad in his vehicle with his child in the back. The child is in a car seat but is forward facing. The child looks to be under 2 years old so should be in a rear facing child seat.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 12.

The Chair noted the Complainant's concern about the child's car seat in the advertisement being forward facing. The Complainant said that as the child appeared to be under 2 years old, they should be in a rear facing child seat

The Chair referred to a precedent Decision, 17/657, which related to the same issue in a advertisement with similar imagery. That decision said in part:

“...While the Chairman noted Plunket advised children should be two before they moved to a forward facing car seat, advice from NZTA said forward facing car seats can be used for children from 6 months of age.

Looking at the advertisement, the Chairman was of the view the child was clearly 6 months or older and, as such complied with the NZTA's safety guidelines.

Therefore, while she noted the sincere concerns of the Complainant, the Chairman said the important requirement was the child was restrained in a booster car seat in the back seat of the vehicle as required by law.

As such, the Chairman said the advertisement did not reach the threshold to be said to contain a visual presentation that would encourage a disregard for safety. Consequently, the Chairman said the advertisement observed the requisite sense of social responsibility to consumers and to society and ruled there was no apparent breach of the Advertising Codes....”

The Chair said this decision applied to the complaint before her. The Chair said the complaint was about the same scene of a Dad and child at the McDonalds drive-thru. The Chair confirmed that her role was to assess whether the images in the advertisement were likely to encourage a disregard for safety.

In her view, the child was at least 6 months old and was restrained in the back seat of the vehicle as required by law. The images in the advertisement promoting the convenience of drive thru option for McCafe did not encourage a disregard for safety.

The Chair said the advertisement had been prepared with a due sense of social responsibility and there was no breach of the Advertising Codes.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**