

COMPLAINT NUMBER	19/082
COMPLAINANT	S Kukkady
ADVERTISER	McDonald's Restaurants (NZ) Ltd and Uber Eats
ADVERTISEMENT	McDonald's Restaurants (NZ) Ltd and Uber Eats, Television, Digital Marketing
DATE OF MEETING	25 February 2019
OUTCOME	No Grounds to Proceed

Advertisement: The McDonald's television and digital marketing advertisement shows different people waking up or coming home following celebrations on New Year's Eve in various states of disarray. One man answers the door with party debris behind him and receives a food delivery from McDonald's and Uber Eats. The advertisement ends with the text "It's going to be a good year" and both company logos.

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

Complainant, S Kukkady on behalf of the Auckland Regional Public Health Service **said:** Complaint: McDonalds & Uber Eats The day After advertisement

This complaint is made by the members of Alcohol Harm Minimisation at Auckland Regional Public Health Service listed in Appendix A . We consider that the McDonalds and Uber Eats the day after TV & digital (Youtube) advertisement breaches the Advertising Standards Code. A summary of breaches can be found below. We consider that the advertisement breaches the following principles and rules of the Codes:

1. Principle 1 of the Advertising Standards Code generally because we consider that it does not uphold a due sense of social responsibility, with the context alluding to the normalcy and favourability of excessive alcohol consumption in New Zealand.
2. Rule 1(e) Safety of the Advertising Standards Code because the advertisement undermines the safety of individuals by being accommodating towards the practice of binge drinking disregarding safety in relation to alcohol consumption.
3. Rule 1(h) of the Advertising Standards Code because the advertisement undermines the health of individuals by encouraging hazardous drinking, in essence promoting unhealthy lifestyles.

The advertisement

The Television & digital advertisement was released on New Years Day in 2019. It has been viewed on TVNZ1, on Friday 11th January, 7.23pm, while X factor was on air, and Sunday 13th January 2019, 7:35pm, while Big Cats was on air. Both programmes have a large number of children and youth viewers that are likely to have been exposed to these advertisements. The advertisement has also been uploaded onto Youtube, titled the day after and Make it mcdelivery with several snippets of the ads.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(e), Rule 1(h);

The Chair noted the Complainant's concern the advertisement promoted the normalising of excessive drinking and undermined the safety of individuals by accommodating the practice of hazardous or binge drinking.

To assist her in considering the complaint the Chair of the Complaints Board reviewed two precedent decisions: Decision 13/401, which was Upheld by the Complaints Board, and Decision 19/009, which was ruled No Grounds to proceed by the Chair of the Complaints Board.

The first precedent decision, 13/401, concerned a Burger King television advertisement which claimed to "cure this epic hangover." The Complaints Board said the advertisement glamorised and normalised excessive intoxication and humour did not save the advertisement from breaching the advertisement codes.

The second precedent decision, 19/009, was related to the same advertisement as the one before her. The Chair ruled the complaint had no grounds to proceed as the advertisement was presenting food options and in her view was not promoting or encouraging people to go out drinking.

In considering the advertisement before her, the Chair said as it was advertising a takeaway food provider and a suggested delivery model to adults, the advertisement was required to be prepared and placed with a due sense of social responsibility. She confirmed a high standard of social responsibility was required when advertising alcohol.

The Chair said the advertisement before her was distinguished from precedent Decision 13/401, as there was no explicit reference to alcohol consumption in the advertisement. The Chair said there was no direct evidence of binge drinking shown in the advertisement and the reference to New Year's Eve, is a night of celebration for all ages that means a late night and less sleep and does not necessarily involve alcohol.

The Chair said the advertisement was promoting a food delivery option rather than suggesting it was a good idea to drink to excess.

While the Chair noted the Complainants' genuine concerns about alcohol abuse, she was of the view the advertisement was unlikely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair said the advertisement had been prepared with a due sense of responsibility and there was no apparent breach of Principle 1 or Rule 1(e) or Rule 1(h) of the Advertising Standards Code.

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

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

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.