

<b>COMPLAINT NUMBER</b>	19/088
<b>COMPLAINANT</b>	L Rush
<b>ADVERTISER</b>	Burger King New Zealand
<b>ADVERTISEMENT</b>	Burger King, Television
<b>DATE OF MEETING</b>	26 March 2019
<b>OUTCOME</b>	Upheld

## **SUMMARY**

The television advertisement promotes Burger King's new 'Tastes of the World' burger range, based on flavours inspired by different national cuisine. The advertisement shows customers being asked to try the new burgers using props such as chop sticks, boxing gloves and robotic hands. The man using the boxing gloves comments he could "Go another round" and the customer at the end of the advertisement holds out his tray and says "Just need another three."

The Complainant was concerned the advertisement showed people consuming oversized burgers and then asking for more. They believe the advertisement is enticing people to overeat.

The Advertiser said the focus of the advertisement was not about excessive eating, but rather to challenge the consumer's eating experience physically and by introducing new flavours. The Advertiser said that only single burgers are shown which are true to size and hyperbole was used to demonstrate how much the characters enjoyed the new burgers.

The Complaints Board did not consider the advertisement showed any visual representation of excessive consumption. The language used however could encourage excessive consumption and therefore undermine the health and wellbeing of individuals. The Complaints Board said an individual customer saying, "Just need another three", could be seen to normalise excessive consumption and there was not sufficient context or exaggeration for the statement to be dismissed as hyperbole. "Just need another three"

Given the prevalence of obesity in New Zealand the Complaints Board ruled the advertisement was not socially responsible, taking into account context, medium, audience and product. It was in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.

The Complaints Board ruled the complaint was Upheld.

### **Advertisement to be removed.**

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Principle 1 and Rule 1(h) of the Advertising Standards Code.

Principle 1 required the Complaints Board to consider whether the advertisement has been prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h) required the Complaints Board to consider whether the advertisement undermines the health and well-being of individuals.

### **The Complaints Board ruled the complaint was Upheld.**

#### **The Complaint**

The Complainant was concerned the advertisement showed people consuming oversized burgers and then asking for more. They believe the advertisement is enticing people to overeat.

#### **The Advertiser's Response**

The Advertiser said the focus of the advertisement was not about excessive eating, but rather to challenge the consumer's eating experience both physically and by introducing new flavours. The Advertiser said that only single burgers are shown which are true to size and the talent used in the advertisement represented a diverse range of gender, age and ethnicity. The Advertiser said the throw-away line at the end was hyperbole designed to demonstrate how much the person liked the new burger.

#### **The Media's Response**

The Commercial Approvals Bureau said the advertisement was rated GXC (General Except Children) which excludes it from being screened during children's programming. It said the advertisement was a hyperbolic representation of a new burger range.

#### **Complaints Board Discussion**

##### *Consumer Takeout*

The Complaints Board said the likely consumer takeout of the advertisement is there is a new selection of burgers at Burger King featuring tastes from around the world. Customers are shown eating the burgers with props inspired by the specific burger flavour such as chop sticks, boxing gloves and robotic hands.

##### *Does the advertisement undermine the health and wellbeing of individuals by encouraging excessive eating?*

The Complaints Board referred to the guidelines for Rule 1(h) which states that advertisements should not condone or encourage excessive consumption or show a quantity of food that exceeds the portion size that would be appropriate for consumption by the person or people of the age depicted in the advertisement.

The Complaints Board agreed the advertisement included burgers which were not oversized and it did not consider the advertisement showed any visual representation of excessive consumption.

The Complaints Board then considered the wording in the advertisement and noted there were two statements made by the characters which could encourage excessive consumption and therefore undermine the health and wellbeing of individuals.

The first was from the man in the boxing gloves who states he could "Go another round". The Complaints Board agreed there was context for this statement given that the man was

wearing boxing gloves and it used humour to show the man's enthusiasm for the new burger range.

The Complaints Board then reviewed the final line of the advertisement in which a customer says "Just need another three." The Complaints Board said the scene shows an individual making this request and there is an implication he is intending to consume all three burgers alone. The Complaints Board said this could be seen to normalise excessive consumption and there was not sufficient context or exaggeration for the statement to be dismissed as hyperbole.

In considering whether the advertisement had been prepared with a due sense of social responsibility to consumers, the Complaints Board noted the New Zealand Health Survey 2017/18 found that 1 in 3 adults (32%) in New Zealand are classed as obese. Given this serious public health issue, the Complaints Board said the request for another three burgers in the advertisement encouraged excessive consumption.

The advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 1 and Rule 1(h) of the Advertising Standards Code.

Therefore, the Complaints Board ruled the complaint was Upheld.

## DESCRIPTION OF ADVERTISEMENT

The television advertisement for Burger King's new 'Tastes of the World' burger range, based on flavours inspired by different national cuisine. The advertisement shows customers being asked to try the new burgers using props such as chop sticks, boxing gloves and robotic hands. The man using the boxing gloves comments he could "Go another round" and the customer at the end of the advertisement holds out his tray and says "Just need another three."

## COMPLAINT FROM L RUSH

The advert is from Burger King. I 1<sup>st</sup> noticed it on Tuesday 5<sup>th</sup> February 2019, on Bravo channel approximately 9.20 pm. There are people trying to get these large hamburgers to their mouths by means of large red sticks, some with oversize gloves. Some have success. They proceed to gorminize the burgers while having the check to ask for a second round. The majority of the people seemed to be in the obese category. I believe that this advertisement is enticing obese and all members of public it's ok over eat by stuffing themselves.

I would be very interested on your thoughts of this advert of Burger King.

## CODES OF PRACTICE

### ADVERTISING STANDARDS CODE

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(h): Health and Well-being:** Advertisements must not undermine the health and well-being of individuals

**RESPONSE FROM ADVERTISER, BURGER KING**

Please see below our response to the complaint received for our TV ad, BKG1168\_30\_01 which is said to be in breach of Advertising Standards Code – Principle 1, Rule 1(h)

A basic, neutral description of the advertisement	<p>People are invited into Burger King to try some new burgers. People describe what they see when the burger is presented in front of them.</p> <p>Before they can eat, objects that are themed to reflect the country that the burger has been inspired by, are placed in front of them. These items are symbolic to that country – like the burgers and their taste profiles.</p> <p>People look for ways to maneuver and figure out how best to pick up and get a bite of the burger with these objects.</p> <p>Once they take a bite they describe the what they taste for each burger. As the burgers are Taste of the World burgers, this entire ad is about taste – not values.</p> <p>A variety of people are shown in terms of gender, age and ethnicity.</p>
Date advertisement began	Tue 12 Feb 2019
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	TV, VOD and Facebook.
Is the advertisement still accessible – where and until when?	This 30" TVC is not scheduled to run any more. However, new 15" TVC"s start this week.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	<a href="https://share.yr.com/dl/2XxwSIJbbT">https://share.yr.com/dl/2XxwSIJbbT</a>
Who is the product / brand target audience?	Social Eaters – target age, 18-30. Who enjoy new flavours and enjoy creating food

	moments with their mates.
Clear substantiation on claims that are challenged by the complainant.	<p>When we promote new burgers, we invite customers to try them. Food that's authentically unique meeting authentically individual guests.</p> <p>We ensure we follow specific protocols outlined to us by the ASA to ensure responsible broadcasting and advertising across the board, which in this case is Principle 1, Rule 1 (h).</p> <p>For our Tastes of the World ad we provided our people with a challenge. Not to eat excessively, but to add a little complexity to their eating experience. The challenge is established early in the ad, as a sign is held up which says, "The Tastes of the World Challenge" is to try to get your "hands" (chopsticks, boxing gloves, robot hands) on one of the themed burgers. It ties into the voice over line that says, "get your hands on the Tastes of the World burgers".</p> <p>The objects in question are a regular sized set of boxing gloves, large wooden chopsticks and a toy robotic hand. This all acts as a hyperbole for the incredible taste of the burgers.</p> <p>Throughout at the ad, we show people on their own and in groups, enjoying our food. Single burgers are displayed and were made true to size that would be served to customers every day. The people are trying to get a bite of the burger, to see what the great <i>taste</i> is about. No shots show more than one being taken or excessive consumption of food.</p> <p>Through our casting process we make sure to reflect a diverse range of people in our ads.</p> <p>The objects used to eat with - that are there to reflect the country each burger is inspired</p>

	from, make it tricky to handle the food items and to consume them. At the end, the throwaway line “can I have 3 more please” is delivered by the male we meet earlier in the ad, who is dining with his friend – another male. This small bit of hyperbole is there to endorse taste enjoyment.
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	
CAB key number and rating	BKG11683001
<b>For Digital advertisements:</b>	
What platform tools have you used to target your audience?	Arianna

## RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

### BURGER KING TELEVISION ADVERTISEMENT

COMPLAINT: 19/088

KEY: BKG1168/30/1

RATING:

GXC

We have been asked to respond to this complaint under the following codes:  
Advertising Standards Code – Principle 1, Rule 1(h);

CAB approved this Burger King commercial on 08/02/19 with a GXC classification.

The GXC classification specifically excludes this commercial from playing during children’s programming.

A complainant quite mercilessly describes the cast of this advertisement as ‘obese’. The complainant has the opinion that the ad encourages viewers to ‘over eat by stuffing themselves’.

The commercial shows people attempting to eat exotic hamburgers with:

- Giant chopsticks
- Mechanical Robot Hands
- Inflatable joke boxing gloves

The average person will not view this ad and think, “I must go out and eat three hamburgers at once”. It is a hyperbolic representation, which most consumers will recognize immediately.

**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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.