

COMPLAINT NUMBER	19/242
COMPLAINANT	S Hughes on behalf of Healthy Auckland Together
ADVERTISER	BurgerFuel
ADVERTISEMENT	BurgerFuel Instagram and Website
DATE OF MEETING	13 August 2019
OUTCOME	Upheld in part, Settled in part, Not Upheld in part
	Website advertisement to be Removed

Description of the Advertisements

The Instagram advertisement showed two children, a boy and a girl, eating and drinking. The boy was shown holding a BurgerFuel burger with a Charlie’s apple juice drink on the ground. The girl was shown with a BurgerFuel cup and a Charlie’s juice drink bottle. There was a packet of fries next to the cup. Both children had fake tattoos on their arms. The text said: “Time for school holidays! Wondering where to take your mini one and get something for yourself as well? We have wholesome and delicious Kids Ink meals so everyone can spend more time on the happier side of life. In our happier meals we use 100% pure grass-fed NZ beef and grilled free-range chicken with no preservatives and no additives – just Pure Fuel. We’ve got you covered.”

The website advertisement on the Kids Ink web page said “...We know it’s important at BurgerFuel Kids Ink to eat the right fuel for your human engine, because it’ll make you feel better and happier. The Kids Ink Meals Nutritional Information page said “...We use only the healthiest, all natural, thick cut spud fries which come in perfect serving sizes for your own little spud to munch down on!” The Kids Cheese Burger Nutritional Information said “...We’re fiercely passionate about putting only the most pure, highly nutritious, great tasting fuel in your tank. We leave no stone unturned in our relentless quest to source ingredients that are 100% natural, wholesome, healthy and ethical. It’s what we call Fuel for the Human Engine.”

Summary of the Complaint

The Complainant was concerned the advertisements:

- Promote unhealthy eating behaviours for children, thereby causing harm
- Target occasional foods and beverages to children
- Portray a burger, fries and sugary drinks as wholesome, healthy and highly nutritious
- Promote unhealthy eating behaviours by encouraging the consumption of a burger, fries and sugary drinks by children
- Undermine the health of individuals by promoting an unhealthy diet and occasional foods as beneficial for health, as a way of increasing positive emotions
- Make misleading claims by stating occasional food products as wholesome, healthy and highly nutritious

Issues Raised

- Social Responsibility
- Health and Well-being
- Truthful Presentation
- Targeting Children

Summary of the Advertiser's Response

The Advertiser said the Instagram post has been removed and the web page has been amended.

Summary of the Complaints Board Decision

The Complaints Board upheld in part a complaint about the BurgerFuel website. The Complaints Board said the use of the words “wholesome” and ‘happier” in the phrase “We have wholesome and delicious Kids Ink Meals so everyone can spend more time on the happier side of life” gave the misleading impression to consumers that a meal of burgers, chips and juice was a wholesome and healthy meal option for children, which would make them happier.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

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

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(g): Food and Beverage Claims: Food and Beverage claims must be factual and able to be substantiated and must not be misleading.

CHILDREN AND YOUNG PEOPLE'S ADVERTISING CODE

Principle 1: Social Responsibility: Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

Rule 1(i) Targeting Children: Advertisements (including sponsorship advertisements) for occasional food or beverage products must not target children or be placed in any media where children are likely to be a significant proportion of the expected average audience.

Rule 2 (f) Health Benefits: Advertisements must not mislead as to the potential physical, social or mental health benefits from consumption of the product.

Complaints Board Discussion

The Complaints Board considered the Instagram and the website advertisements in turn, and under both codes:

Instagram advertisement, under the Advertising Standards Code

Consumer Takeout

The Complaints Board agreed the consumer takeout of the Instagram advertisement was: Here is a good meal option for children. This is a good, healthy place to go in the school holidays.

Does the advertisement undermine the health and well-being of individuals?

Is the advertisement misleading?

Does the advertisement make food and beverage claims that cannot be substantiated?

The Complaints Board agreed the Instagram advertisement undermined the health and well-being of individuals, was misleading and made food and beverage claims that were not substantiated.

This is because of the use of the words “wholesome” and “happier” in the phrase “We have wholesome and delicious Kids Ink Meals so everyone can spend more time on the happier side of life”. The Complaints Board said this wording gave the impression to consumers that a meal of burgers, chips and juice was a wholesome and healthy meal option for children, which would make them happier, when the meal was classified under the Food and Beverage Classification System as occasional food.

The Complaints Board agreed the inclusion of the reference to school holidays meant the meal in the advertisement was not being promoted as an everyday food.

Is the advertisement socially responsible?

The Complaints Board agreed the Instagram advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 1, Principle 2, Rule 1(h) and Rule 2(g) of the Advertising Standards Code.

However, as the Advertiser had removed the Instagram advertisement, the Complaints Board ruled this part of the complaint was settled.

Instagram advertisement, under the Children and Young People’s Advertising Code

Did the Instagram advertisement target children or was it placed in a media where children are likely to be a significant proportion of the expected average audience?

How is targeting assessed?

‘Targeting’ is determined by the context of the advertisement and the relationship between the following three criteria;

1. Nature and intended purpose of the product or service being promoted is principally or generally appealing to children or young people.
2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is appealing to children or young people.
3. Expected average audience at the time or place the advertisement appears includes a significant proportion of children or young people.”

The Complaints Board agreed that the Instagram advertisement did not target children and had not been placed in a media where children were likely to be a significant proportion of the expected average audience. This is because the targeted audience demographic for the BurgerFuel Instagram page is aged 18-55. The Complaints Board noted that Instagram account holders need to be aged 13 or over.

The Complaints Board said the advertisement was directed at parents. This is illustrated by the inclusion of the text “Time for school holidays! Wondering where to take your mini one and get something for yourself as well?”

The Complaints Board said the advertisement was not targeting young people (aged at least 14 but under 18 years) because the children in the advertisement appeared to be under the age of 14 and the food they were eating was described as a “kids” meal.

Did the Children and Young People’s Advertising Code apply to the Instagram advertisement?

The Complaints Board agreed that while the product and presentation in the Instagram advertisement was appealing to children, the expected average audience for the advertisement did not include a significant proportion of children. On balance the Complaints Board agreed the Instagram advertisement was not targeting children and therefore the Children and Young People’s Advertising Code did not apply.

Website advertisement, under the Advertising Standards Code

The Complaints Board noted that some of the wording on the website had been altered since the complaint was made. The Complaints Board reviewed the revised wording in the “Nutritional Info” section on the Kids Cheeseburger Meal page, which included the following: “...We’re fiercely passionate about putting only the most pure, highly nutritious, great tasting fuel in your tank. We leave no stone unturned in our relentless quest to source ingredients that are 100% natural, wholesome, healthy and ethical...”

Consumer Takeout

The Complaints Board agreed the consumer takeout of the website advertisement was: Here is a healthy meal option for children, it’s a better choice.

Does the advertisement undermine the health and well-being of individuals?

Is the advertisement misleading?

Does the advertisement make food and beverage claims that cannot be substantiated?

The Complaints Board agreed the advertisement undermined the health and well-being of individuals, was misleading and made food and beverage claims that were not substantiated.

The Complaints Board said it was misleading to describe the Kid’s Cheeseburger as “highly nutritious”, “wholesome” and “healthy”, especially when it is classified under the Food and Nutrition Guidelines as an “occasional food”.

The Complaints Board agreed the website advertisement was in breach of Principle 1, Principle 2, Rule 1(h) and Rule 2(g) of the Advertising Standards Code, and this part of the complaint was Upheld.

Website advertisement, under the Children and Young People’s Advertising Code

Does the website advertisement target children or is it placed in a media where children are likely to be a significant proportion of the expected average audience?

The Complaints Board agreed that the website advertisement was not targeting children and had not been placed in a media where children are likely to be a significant proportion of the expected average audience. This is because the targeted audience demographic for the BurgerFuel website is more likely to be over the age of 18. This view is supported by the demographic information provided by BurgerFuel.

The Complaints Board noted that while the product has a high appeal to young children the advertisement is not targeting children. The Complaints Board said the advertisement content and the placement on the BurgerFuel website meant it was targeted at parents.

Does the Children and Young People's Advertising Code apply to the website advertisement?

The Complaints Board agreed that as the website advertisement was not targeting children or young people, the Children and Young People's Advertising Code did not apply.

In Summary

The Complaints Board agreed:

- The complaint about the Instagram advertisement was Settled under the Advertising Standards Code. This is because the Advertiser had removed the Instagram advertisement.
- The complaint about the Instagram advertisement was Not Upheld under the Children and Young People's Advertising Code. This is because the Instagram advertisement was not targeting children and the Children and Young People's Advertising Code did not apply.
- The complaint about the Website advertisement was Upheld under the Advertising Standards Code. The website advertisement was in breach of Principle 1, Principle 2, Rule 1(h) and Rule 2(g) of the Advertising Standards Code.
- The complaint about the Website advertisement was Not Upheld, under the Children and Young People's Advertising Code. This is because the website advertisement was not targeting children and the Children and Young People's Advertising Code did not apply.

Outcome

The Complaints Board ruled the complaint was **Upheld in part, Settled in part and Not Upheld in part.**

Website advertisement to be removed.

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.

APPENDICES

1. Complaint
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINT FROM HEALTHY AUCKLAND TOGETHER

This complaint is made by the members of Healthy Auckland Together listed in Appendix B ('We').

We submit that the BurgerFuel Kids Ink advertising campaign breaches the Children and Young People's Advertising Code and the Advertising Standards Code.

A BurgerFuel sponsored advertisement was viewed on 21 April at 7.47am on Instagram. A digital advertisement was viewed on Instagram on 23 April at 11am on Instagram. The digital advertisement campaign was viewed on 24 April at 11am on the BurgerFuel website.

We submit that the advertisements breach the following principles and rules of the Codes:

1. **Principle 1** of the Children and Young People's Advertising Code: the advertisement does not observe a high standard of social responsibility because it promotes unhealthy eating behaviours for children, thereby causing harm.
2. **Rule 1 (i)** of the Children and Young People's Advertising Code: the advertising campaign targets occasional foods and beverages to children. The product is primarily for children being a kid's meal, and the presentation is appealing to children.
3. **Rule 2(f)** of the Children and Young People's Advertising Code: The advertisement breaches the specific guideline that occasional food and beverages should not be portrayed in any way that suggests they are beneficial to health. The advertisements portray a burger, fries and sugary drinks as wholesome, healthy, and highly nutritious.
4. **Principle 1** of the Advertising Standards Code: The advertisements are not prepared with a due sense of social responsibility to parents/caregivers or children as they promote unhealthy eating behaviours by encouraging the consumption of a burger, fries and sugary drinks by children.
5. **Rule 1(h)** of the Advertising Standards Code: The advertisements undermine the health of individuals by promoting an unhealthy diet. The advertisements promote occasional foods as beneficial for health and as a way of increasing positive emotions.
6. **Rule 2 (g)** of the Advertising Standards Code: The advertisement makes misleading food and beverage claims by stating occasional food products as wholesome, healthy and highly nutritious.

The Advertisements

- The Instagram advertisement was viewed on 23 April at 11am on Instagram <https://www.instagram.com/p/Bwl825KH2j3/> (Instagram advertisement)
- The sponsored Instagram advertisement was viewed on 21 April at 7.47am on Instagram (sponsored advertisement)
- The digital website advertisement was viewed on 24 April at 11am on the BurgerFuel website <https://www.burgerfuel.com/nz/our-food/burgers/kids-meals> (website advertisement)

The Instagram advertisement shows two children, one boy with a burger in his hand and a Charlie's juice drink in front of him. The girl next to him has a branded BurgerFuel cup and a Charlie's juice drink in front of her. She has a cheeky smile on her face.

The sponsored advertisement shows the two same children. The boy is taking a bite of the burger with a juice drink next to him. The girl is licking her fingers and has a BurgerFuel branded cup in front of her. There is a packet of fries in the front corner of the shot.

The post for both advertisements state "Time for school holidays! Wondering where to take your mini one and get something for yourself as well? We have wholesome and delicious Kids Ink Meals so everyone can spend more time on the happier side of life. In our happier meals we use 100% pure grass-fed NZ beef and grilled free-range chicken with no preservatives and no additives - just Pure Fuel. We've got you covered."

The website advertisement has information about the Kid's Cheeseburger Meal and a link to the nutritional information for the meal. See Appendix A for statements made on these webpages. (NB Photos of website advertisements have been removed).

Breaches of the Children and Young People's Code

Principle 1:

Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

Rule 1(i)

Advertisements (including sponsorship advertisements) for occasional food or beverage products must not target children or be placed in any media where children are likely to be a significant proportion of the expected average audience.

Analysis

The Kid's Cheeseburger meal is a kid's cheese burger with fries, aioli or tomato sauce and a Charlie's juice drink or water. The burger being advertised, fries and fruit drink are all classified as occasional foods. The Food and Beverage Classification System classifies the burger in itself an occasional food.

Kid's Cheese Burger		
Energy per 100g	1440 kj	Occasional
Energy per serve	2075 kj	Occasional

Kid's Cheese Burger		
Saturated Fat per 100g	8.1 g	Occasional
Sodium per 100g	477 mg	Occasional
Sodium per serve	687.4 mg	Everyday

While we acknowledge that as described in the BurgerFuel nutritional information webpage (Appendix A), there have been attempts to improve the nutritional value of the burgers included in this meal, as in the table above, because of the energy and fat content, the burgers are nevertheless classified as an occasional food. The issue then is not about the healthiness of burgers in general, but that these burgers are classified as an occasional food, but the advertising of concern does not respect that.

The Kids Ink meals have principal appeal to children and are made for children to consume. The product advertised is principally for children, and named 'Kids Ink Meal'. The pictures of children in the Instagram advertisements and the behaviours depicted are very likely to resonate with children.

The content of the Instagram advertisements have significant appeal to children with a boy taking a bite of the kid's cheeseburger, and the addition of Charlie's juice drinks, another product which is appealing to children. The children are dressed in 'cool' clothing and they are wearing temporary tattoo 'inks', a feature of the meals that is likely to draw children in. The Instagram advertisements imply that if you eat a BurgerFuel Kids Ink meal you will be popular and 'cool'.

We acknowledge previous decisions, including Kinder decision 18/239 and Cookie Time decision 19/102. These rulings noted that targeting of the advertisement to children was mitigated by its placement in the digital marketing environment. These decisions go against the spirit and intention of the code in protecting children. A recent survey on children and parents' media use showed 18% of 8-11 year olds have a social media profile, going up to 69% between the ages of 12 and 15 years of age¹. A wealth of research is available on the negative impact of exposure to unhealthy food marketing². Even if only a small number of children see the advertisement due to the placement of the advertisement, it is still contributing to harm.

There is also a clear deficiency in the Children and Young People's code as stands in that it does not address advertising of occasional food and beverages to parents and caregivers who purchase food for children.

Rule 2(f)

Advertisements must not mislead as to the potential physical, social or mental health benefits from consumption of the product.

Analysis

¹ https://www.ofcom.org.uk/data/assets/pdf_file/0024/134907/Children-and-Parents-Media-Use-and-Attitudes-2018.pdf

² Signal, L., Barr, M., Smith, M. (2018) Evidence snapshot: What Can be Done to Protect our Children from Unhealthy Food Marketing. Retrieved from <http://www.healthyaucklandtogether.org.nz/assets/Marketing-to-children/Evidence-Snapshot.pdf>

The Instagram post includes a number of statements that portray the burger, fries and sugary drinks contained in a Kids Ink meal as beneficial to health. The Instagram post states the Kids Ink meal as 'wholesome'. The definition of wholesome is 'conducive to or suggestive of good health and physical well-being³'. It also states the meal has 'no preservatives and no additives - just Pure Fuel'. Children and parents are likely to believe that a meal that is wholesome, pure and contains no preservatives or additives is healthy and therefore beneficial to health.

The Instagram advertisements breach this rule by portraying occasional foods as wholesome and healthy. Clearly the burgers contained in these meals, fries and sugary drinks are not foods that provide health benefits. Use of the words 'wholesome' and 'pure' mislead children, as well as parents/caregivers, to think that these meals are good for them. Therefore, we submit that the advertisements are misleading in relation to the health benefits of the products.

Breaches of the Advertising Standards Code

Principle 1:

Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h)

Advertisements must not undermine the health and well-being of individuals.

Analysis

The campaign is not prepared with a due sense of social responsibility to parents/caregivers or children. The campaign promotes an unhealthy lifestyle by promoting an unhealthy diet. The advertisements promote occasional foods as beneficial for health and as a way of increasing positive emotions. The campaign states that Burger Fuel is the right fuel for your human engine because it will make you 'feel better and happier'. This is an irresponsible message for both children and parents/caregivers and does not align with the spirit of the code.

Parents and caregivers are the main food provider/purchaser for children. An advertisement that targets parents to purchase an occasional food or beverage product that is primarily for children is unacceptable and plays its part in contributing to the issues of childhood obesity we have in New Zealand. With the ultimate goal of increasing product sales to children, the advertisements are contributing to unhealthy eating behaviours, thereby causing harm.

Rule 2(g)

Food and Beverage claims must be factual and able to be substantiated and must not be misleading.

Analysis

³ <https://www.collinsdictionary.com/dictionary/english/wholesome>

The advertisements breach a specific guideline under 2(g): ‘Advertisements must not mislead as to the nutritional value of any food or beverage. Products high in sugar, fat and / or salt must not be portrayed in any way that suggests they are beneficial to health.’

The website advertisement includes a number of statements that portray the burger, fries and sugary drinks contained in a Kids Ink meal as beneficial to health. For example, on the nutritional information for the meals it states “*We’re fiercely passionate about putting only the most pure, **highly nutritious**, great tasting fuel in your tank. We leave no stone unturned in our relentless quest to source ingredients that are **100% natural, wholesome, healthy and ethical. It’s what we call Fuel for the Human Engine**”*. The advertisements breach this rule by portraying occasional food as wholesome, healthy, and highly nutritious. The definition of wholesome is ‘conducive to or suggestive of good health and physical well-being’⁴. Therefore, the use of the word wholesome is misleading to children and parents/caregivers of the health benefits of these Kids Ink BurgerFuel meals. Clearly these burgers, fries and sugary drinks are not healthy food products and it is misleading to portray the products in this light.

Additionally, the campaign states that Burger Fuel is the right fuel for your human engine because it will make you ‘feel better and happier’. These statements convey that Kids Ink meals are nutritious and are a way of increasing positive emotions which is unacceptable as the encouragement to consume unhealthy food results in harm to both the physical and mental health of consumers. It is known that diet can affect mental health in addition to physical health and the Mental Health Foundation UK acknowledge the impact of marketing on mental health and recommend introducing regulations to protect children from all forms of broadcast and non broadcast marketing of unhealthy food as a way of addressing mental health issues⁵. Research shows that consumption of occasional food products can have a long lasting negative influence on general mood and mental wellbeing because of the impact they have on the function and structure of the brain⁶. Consuming foods high in fat prevents vital nutrients from assuming the position they need to for the brain to function effectively. Therefore, taking into account government initiatives in relation to obesity and mental health in New Zealand, we submit that through misleading consumers about the health benefits of the products, the advertisements cause harm to consumer’s health.

See Appendix A for all of the examples of how the campaign misleads consumers of the health benefits of BurgerFuel Kids Ink meals.

Summary

We consider these series of advertisements to be socially irresponsible and undermine the government efforts to reduce the rates of obesity in New Zealand through promoting occasional food as healthy and wholesome. The advertisements also state that the audience will feel better and happier if they consume the products, adding to the promotion of an unhealthy lifestyle. Furthermore, the images in the advertisements are particularly appealing

⁴ <https://www.collinsdictionary.com/dictionary/english/wholesome>

⁵ <https://www.mentalhealth.org.nz/assets/ResourceFinder/Feeding-Minds.pdf>

⁶ <https://www.mentalhealth.org.nz/assets/ResourceFinder/Feeding-Minds.pdf>

to young children and convey the message that children would be “cool” if they had the BurgerFuel kid’s meals. Therefore, we believe that both the Advertising Standards Code and the Young peoples and Children’s Advertising Code have been breached by this Advertisement.

Appendix A:

The Instagram advertisement stating ‘We have **wholesome** and delicious Kids Ink Meals so everyone can spend more time on the **happier side of life.**’

Website advertisements

Kinds Ink Webpage : “All our Burgers come in a soft wholemeal bun with no added sugar and topped with roasted sesame seeds, which means we’ve kept all the good stuff in and the bad stuff out. We know it’s important at BurgerFuel Kids Ink to eat the **right fuel for your human engine**, because it’ll make you **feel better and happier.**”

<https://www.burgerfuel.com/nz/my-bf/kids-ink>

Kids Ink Meals Nutritional Information webpage : “When you’re young all you need to worry about is having fun. So when it comes to the cheeseburger kid’s meal we wanted to keep it simple and delicious. This delectable morsel is made for your little monster to devour because we use 100% grass fed beef from the greenest country in the world, New Zealand, only the freshest wholemeal buns and fresh natural sauces. We use only the **healthiest**, all natural, thick cut spud fries which come in perfect serving sizes for your own little spud to munch down on! We cook our fries in fresh clean canola oil and sprinkle them with minimum salt, yet still getting maximum flavour. I know it’s a hard choice to make (especially as a kid) but you have a choice of either natural tomato sauce or our famous natural BurgerFuel Aioli to go with your golden crunchy fries!”

<https://www.burgerfuel.com/nz/our-food/burgers/kids-meals>

Kids Cheese Burger Nutritional Information: “You are what you eat, and you’re more than just a number. That’s why we encourage you to get your taste buds off life support, and leap towards what food and life is really meant to be – a damn good time, all of the time. We’re fiercely passionate about putting only the most pure, **highly nutritious**, great tasting fuel in your tank. We leave no stone unturned in our relentless quest to source ingredients that are **100% natural, wholesome, healthy** and ethical. It’s what we call **Fuel for the Human Engine**”

<https://www.burgerfuel.com/uploads/media/5856e06c45a9c/product-info-kids-cheese-burger-12-16.pdf>

Appendix B:

Healthy Auckland Together is a coalition of organisations within the Auckland region that aims to: improve nutrition, increase physical activity and halt rising rates of obesity among Aucklanders. A priority focus within these aims is equitable outcomes for Māori, Pacific and lower-socioeconomic communities. With a broad range of coalition partners - including health, central government (including Ministry of Health and New Zealand Transport Agency), local government (including Auckland Council and Auckland Transport), sport, iwi, and non-government organisations - Healthy Auckland Together’s aim is to encourage change in the regional environment so it contributes to Aucklanders’ health and does not impede it. Healthy Auckland Together made a submission to the review of the Children’s Code for Advertising Food and the Code for Advertising to Children. Marketing to children is a key component of the environmental work undertaken by Healthy Auckland Together.

This complaint is made by the following members of the Healthy Auckland Together coalition:

- Asian Network (TANI)
- Auckland Council
- Auckland Dental Association
- Auckland District Health Board
- Auckland War Memorial Museum
- Auckland Regional Public Health Service
- Auckland Transport
- Counties Manukau Health
- Diabetes Foundation Aotearoa
- Disability interest groups
- Hāpai Te Hauora Tapui Limited
- Health Promotion Agency
- Healthy Families South Auckland
- Healthy Families Waitakere
- Heart Foundation
- Ministry of Health
- Pacific Heartbeat
- Primary Health Organisations (7)
- Te Rūnanga o Ngāti Whātua
- Stroke Foundation
- Toi Tangata
- University of Auckland
- Waitemata District Health Board

Appendix 2

RESPONSE FROM ADVERTISER, BURGERFUEL

I have reviewed the documentation and in the 'Advertiser Accepted Letter' it outlines that we can advise of the advertisements removal before submitting the Complaint response document. I can confirm that the Instagram advertising is no longer running. The promotional period was from April 16th – April 22nd 2019 and the targeted audience demographic was age 18-55.

I can also confirm that the web page <https://www.burgerfuel.com/nz/our-food/burgers/kids-meals> (website advertisement) has since been updated earlier in July and no longer reflects the below wording (as stated in Appendix A):

Website advertisements

Kinds Ink Webpage : *“All our Burgers come in a soft wholemeal bun with no added sugar and topped with roasted sesame seeds, which means we’ve kept all the good stuff in and the bad stuff out. We know it’s important at BurgerFuel Kids Ink to eat the **right fuel for your human engine**, because it’ll make you **feel better and happier**.”*

<https://www.burgerfuel.com/nz/my-bf/kids-ink>

Kids Ink Meals Nutritional Information webpage : *“When you’re young all you need to worry about is having fun. So when it comes to the cheeseburger kid’s meal we wanted to keep it simple and delicious. This delectable morsel is made for your little monster to devour because we use 100% grass fed beef from the greenest country in the world, New Zealand, only the freshest wholemeal buns and fresh natural sauces. We use only the **healthiest**, all natural, thick cut spud fries which come in perfect serving sizes for your own little spud to munch down on! We cook our fries in fresh clean canola oil and sprinkle them with minimum salt, yet still getting maximum flavour. I know it’s a hard choice to make (especially as a kid) but you have a choice of either natural tomato sauce or our famous natural BurgerFuel Aioli to go with your golden crunchy fries!”*

<https://www.burgerfuel.com/nz/our-food/burgers/kids-meals>

Kids Cheese Burger Nutritional Information: *“You are what you eat, and you’re more than just a number. That’s why we encourage you to get your taste buds off life support, and leap towards what food and life is really meant to be – a damn good time, all of the time. We’re fiercely passionate about putting only the most pure, **highly nutritious**, great tasting fuel in your tank. We leave no stone unturned in our relentless quest to source ingredients that are **100% natural, wholesome, healthy** and ethical. It’s what we call **Fuel for the Human Engine**”*

<https://www.burgerfuel.com/uploads/media/5856e06c45a9c/product-info-kids-cheese-burger-12-16.pdf>

In May, we had both our Kids Ink Natural Nuggets Meal and Kids Ink Cheeseburger Meal analysed by nutritionist, Katrina Pace (recommended by Community Dietician, Kate Harington, Community Child Health North, Waitemata DHB), to ensure our nutritional information was up to date. Kate provided us the nutritional messaging that we could work into our communications. You will find the updated web-copy here - <https://www.burgerfuel.com/nz/our-food/burgers/kids-meals>

ADDITIONAL RESPONSE FROM ADVERTISER, BURGERFUEL

Please see additional information attached and below:

Please find the two Kids Ink Instagram ads attached as JPEGs (***Kids Ink Instagram Advert 1_April 2019.JPG*** and ***Kids Ink Instagram Advert 2.JPG***), I have included the ad image and the back-end information for your interest. Unfortunately, we cannot provide the original web-page, as the page has long since been updated and we do not archive old web-pages in the back-end of our website. We have admin access and the copy and imagery can be updated and saved as and when needed. I have contacted our Website management team to see if there is any way we can recover an old web page, so will be able to send a digital media copy of that if they are able to find the original page. Please note I am not sure if I can get this by 4pm today, but will try my best.

- **Audience profile data for Burgerfuel Instagram followers and website users, particularly age group data.**

Please see **Website Audience Profile Information.JPG** (this is our audience data from the last 4 weeks, as well as a snapshot from 1-30 April) and **BurgerFuel Audience Profile_Instagram.JPG** attached.

- **Info about the product/brand target audience. Specify the targeting criteria/age group used for sponsored Instagram posts**

Our Target Consumer/Audience is 15 – 34 – these are the people who we've identified as most likely to purchase our products, but they are also highly influential and aspirational. Please see further information around our general brand audience targeting in the **BurgerFuel Reference Customer Information.pdf** (this is an internal document used when new marketing staff members are inducted into the brand). We have an additional target audience of 18 – 54, depending on the type of marketing activity, but our customers do skew older due to the price point of our products.

We do not target children, but do target parents during school holiday periods, with our Kids Ink Meal offering, as a lot of our reference customers are growing up with the brand and are having families of their own. We do not provide extensive menu items for children, but do want to make our general target audience aware of the options we have for their children. Please see the attached **BurgerFuel General Audience Target Demo_Kids Ink Social Campaign Posts.JPG** for audience targeting on social posts during the school holiday period in April 2019 and also the **Social Audience Targeting_Kids Ink April Post.JPG** – this is the audience targeting that directly relates to the Instagram Advertising complaints.

Apologies, I can confirm we have now deleted the Instagram post. It was not a sponsored post, but was on our feed, so could still be found via the link.