

COMPLAINT NUMBER	20/067
ADVERTISER	Antares Restaurant Group Ltd
ADVERTISEMENT	Burger King, Radio
DATE OF MEETING	7 April 2020
OUTCOME	Upheld Advertisement to be Removed

Summary of the Complaints Board Decision

The majority of the Complaints Board Upheld a complaint about a radio advertisement for Burger King's Rebel Whopper plant-based burger claiming it contained 0% beef. The majority of the Complaints Board said consumers could be misled, and consider the burger was suitable for those who don't eat meat, when it is cooked on the same grill as the meat products.

Description of Advertisement

The radio advertisement for Burger King has a voiceover saying, "What do these meat experts think of BK's new plant-based Rebel Whopper?" The tasters say, "It tastes like beef" and "I'm still blown away that's not meat!" The final voiceover says "Burger King's new Rebel Whopper - 100% Whopper, 0% Beef"

Summary of the Complaint

The Complainant said it is misleading to say the plant-based burger is 0% beef when it is cooked on the same cooking surface as meat so will contain the fat/juices from a non-plant-based food source.

Issues Raised:

- Truthful Presentation

Summary of the Advertiser's Response

The Advertiser said the campaign was to launch the Rebel Whopper which is made the same way as the Whopper burger except the patty is made entirely from plants. It was not launched as a vegetarian burger and the intention was as an alternative for flexitarians. The product is cooked on the same grill as beef products which is made clear at the point of purchase. The Advertiser said positive social media comments from vegetarians indicate that the claim has not widely misled the public.

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

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration,

unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to precedent Decision 16/057 which was Not Upheld.

The full versions of decisions since 2015 can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 16/057 concerned an advertisement for Baby Love clothing for toddlers which claimed its products were 100% organic. The Complaints Board said the Advertiser had provided adequate substantiation that the products offered were 100% organic cotton as advertised. The Board said the claims made in the advertisement were not misleading.

Complaints Board Discussion

Consumer Takeout

The Complaints Board was split on the likely consumer takeout of the advertisement. Some Board members said the advertisement promoted the new Burger King Rebel Whopper, a plant-based burger which would be suitable for consumers who did not eat meat as it contained 0% beef. Other members of the Board said the focus of the advertisement was that the Rebel Whopper tasted the same as the original Whopper, even though it was 0% beef.

Is the claim the Rebel Whopper is 0% beef misleading?

The majority of the Complaints Board said the claim was misleading. This is because the “0% beef” claim created the expectation a separate cooking process would be used and the burger would contain no beef fat or juice.

The majority of the Complaints Board noted the cooking process is explained to consumers at point of purchase. However, the Board said the “0% beef” claim made in the advertisement had to stand alone and cannot rely on additional information about not being suitable for vegetarians featured in-store or on the website.

The majority of the Board ruled that in the absence of a disclaimer in the advertisement, the claim was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

A minority of the Complaints Board disagreed and said the advertisement did not claim to be suitable for vegetarians and its focus was a plant-based product that tasted like the meat version of the burger. The minority said the sound bites from “meat experts” confirmed this.

However, in accordance with the majority, the Complaints Board said the 0% beef claim was misleading and the advertisement was in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

Outcome

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

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 calendar days of receipt of this decision.

APPENDICES

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

Appendix 1

COMPLAINT

Advert was broadcast just before the 1pm news.

Burger King are advertising their Rebel Whopper plant-based burger as "100% Whopper, 0% Beef". This is actually a lie unless they are selling the burger in its raw form. They cook these burgers on the same grill as the beef patties. Therefore the Rebel Whopper is cooked in beef fat/juices, and so it does contain beef. This is VERY misleading advertising, especially to the vegetarian community.

Appendix 2

RESPONSE FROM ADVERTISER, ANTARES RESTAURANT GROUP

A basic, neutral description of the advertisement

Burger King has recently launched a plant-based Rebel Whopper burger. The Rebel Whopper is made the same way as the famous Whopper burger except the patty is made entirely from plants.

For the advertising campaign, real residents from the town of Bulls were recruited to taste and review the new burger at a Burger King restaurant where we captured their surprise when it was revealed to be plant-based rather than meat. The campaign is built on the fact that the burger is made from plants but tastes just like the original Whopper.

The full campaign was run across TV, Radio, Out of Home, Digital & Social Channels.

Date advertisement began

11 February 2020

Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)

Radio advertisement was played on the following stations: More FM, The Rock, The Edge, The Breeze, The Sound, Magic, Mai, Radio Tarana, Newstalk ZB, The Hits, ZM, Hauraki, Coast, Flava, Hokonui, Radio Sport, George

Is the advertisement still accessible – where and until when?

22 March 2020

A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.

Copy of the radio advertisement is provided with this response – Key number BK_0313_15A.

Who is the product / brand target audience? Please provide a copy of the media schedule.

The Rebel Whopper is a great option for flexitarians, and people looking for an alternative to meat that still has the iconic Whopper taste. It is not targeted towards vegetarians.

The radio buying audience for this advertisement was All People 18-49 years.

A copy of the media schedule is attached with this response.

Clear substantiation on claims that are challenged by the complainant. Please see the Guidance Note.

The Rebel Whopper was not launched as a vegetarian burger and our intention is not to mislead any customers into thinking that it is.

The patty used in the Rebel Whopper is 100% plant-based - the main ingredient being soy protein. Existing cooking processes means the Rebel Whopper patty is cooked on the same platform as beef products which is made clear at the point of purchase. The radio advertisement states that the product is plant-based but does not claim to be vegetarian. The statement 100% Whopper, 0% Beef is used to reference the fact that the burger is made with the same ingredients that Burger King's signature Whopper is made with, but that the patty is 100% plant based.

We have had positive responses regarding the launch of the Rebel Whopper burger, including from vegetarians as evidenced by comments on the Burger King social media pages, so do not believe that this claim has widely misled the public regarding the fact that it is not a vegetarian product.

We do not wish to mislead any consumers so will adjust any future radio advertisements based on this ruling.

For Broadcast advertisements:

A copy of the script

VO: What do these meat experts think of BK's new plant-based Rebel Whopper?

Person #1: "It tastes like beef"

Person #2: "I'm still blown away that's not meat"

Person #3: "No"

Person #4: "No, no it is meat"

VO: Burger King's new Rebel Whopper. 100% Whopper, 0% Beef.

Appendix 3

RESPONSE FROM MEDIA, MEDIAWORKS

The Media deferred to the Advertiser's response.