

COMPLAINT NUMBER	21/220
ADVERTISER	McDonald's
ADVERTISEMENT	McDonald's, Television
DATE OF MEETING	8 June 2021
OUTCOME	Not Upheld No Further Action Required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for McDonalds which showed the source of its French fries as potato. The Complaints Board said the average consumer would understand the claim made about the fries being “just potato” would not include the ingredients used in the preparation and cooking process.

Advertisement

The McDonalds television advertisement shows a group of friends in a car being transported to a field on a farm and asking the farmer “What are McDonald’s fries made of?” The farmer answers “potatoes.” The woman replies “Yeah, but my Auntie told...” The farmer interrupts her saying “Just potatoes!” The text at the bottom of the screen says, “Hewson Farms, Ashburton.”

Summary of the Complaint

The Complainant was concerned the advertisement is misleading to state potatoes are the only ingredient when the allergen information lists other ingredients.

Issues Raised:

- Truthful Presentation

Summary of the Advertiser’s Response

The Advertiser said the advertisement is part of a 60 second creative, “Ordered From Here” campaign of a fantastical journey around New Zealand to illustrate where its ingredients are sourced from. The Advertiser said it is not misleading to note the fries are made from potatoes. It said it is fair to assume consumers will understand there are other ingredients used in the production and preparation of fries such as washing, par frying, frying and seasoning with salt. The advertisement uses humour to debunk myths about the source of ingredients used.

Summary of the Media’s Response

The Commercial Approvals Bureau confirmed the advertisement has a GXC classification and is promoting McDonald’s supply chain. It said the ingredients in prepared foods is strictly monitored by FSANZ.

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 two precedent decisions, Decision 19/223 and 20/010, both of which were Not Upheld.

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

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

Decision 19/223 concerned a television advertisement for Meadow Fresh yoghurt which claimed to only have two ingredients. The Complaints Board did not uphold the complaint because the Advertiser had substantiated the 'Natural' flavour Kalo Authentic Greek yoghurt is made using only two ingredients as advertised.

Decision 20/010 concerned a television advertisement for Fresh'n Fruity yoghurt saying the new product has "40% less sugar and it's just as fresh and fruity as ever."

The Complaints Board did not uphold the complaint about the advertisement being misleading due to the reduction in fruit. The Complaints Board said the phrase "just a fresh and fruity as ever" could be interpreted in different ways and noted it was the brand name.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: Debunking myths about the ingredients in McDonald's products
 - Medium: Television
 - Audience: Television viewers
 - Product: McDonald's French fries

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was that McDonald's French fries are made from potatoes grown by New Zealand farmers.

Is the advertisement likely to mislead, confuse or deceive consumers?

The Complaints Board said the advertisement was unlikely to mislead consumers. The Complaints Board noted the Advertiser had confirmed the main ingredient in McDonald's fries is New Zealand sourced potatoes.

The Complaints Board noted the question asked in the advertisement was "what are McDonald's fries made of?" The Board said it was not misleading for the Advertiser to answer, "Just potatoes", given that any additional ingredients listed on the McDonald's allergens menu are those involved in the production and preparation of the fries such as washing, par frying, frying and seasoning. The Complaints Board said most consumers would accept that fried food by its very definition will include additional ingredients required for that process.

The Complaints Board agreed that most consumers will have heard myths about the composition of McDonald's food. The Board said the intent of the advertisement was clear in trying to debunk such myths by showing that its fries are made from real potatoes grown on New Zealand farms.

The Complaints Board unanimously agreed the advertisement did not meet the threshold to breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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
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Appendix 1

COMPLAINT

The ad was set in a potato farm where someone was asking what McDonald's fries were made from. The person harvesting said "potatoes". I don't believe this to be true. The allergens menu if McDonald's states the ingredients are: Potatoes, Canola Oil, Dextrose Monohydrate, Sodium Acid Pyrophosphate (450), Antifoam (900a). Even if they say they're processing aids the fries obviously also contain oil.

Appendix 2

RESPONSE FROM ADVERTISER, MCDONALDS

Defence of Complaint 21/220 Key Number – MCD 15 2111

To whom it may concern,

Please find to follow our defence of complaint 21/220, which stated:

'The ad was set in a potato farm where someone was asking what McDonald's fries were made from. The person harvesting said "potatoes". I don't believe this to be true. The allergens menu if (sic) McDonald's states the ingredients are: Potatoes, Canola Oil, Dextrose Monohydrate, Sodium Acid Pyrophosphate (450), Antifoam (900a). Even if they say they're processing aids the fries obviously also contain oil.'

A basic, neutral description of the advertisement:

The TV ad in question takes an excerpt of a 60 second ad, where a group of friends in a car are transported in a fantastical way from a McDonald's Drive-Thru to a paddock in a potato farm. The car lands in front of a potato farmer in a tractor. One of the friends asks the farmer what McDonald's fries are made from. He confirms they are made from potatoes. She starts to question him again, saying her Auntie told her something different. He interrupts and reiterates they are made from potatoes. The TV ad ends with one of the other quips 'You say potato, I say potaaato.' He replies 'No one says potaaato.'

<https://www.youtube.com/watch?v=jSnzyeo1ujk>

The TV ad is part of a fully integrated above and below the line campaign called 'Ordered From Here'. The campaign highlights the range of ingredients McDonald's sources locally from New Zealand suppliers. The ad was shot on location at Hewson Farms in Ashburton, which grows specific varieties of potatoes used for McDonald's fries, and supplies them to McCains who make the fries.

Date advertisement began: April 25, 2021

Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper, Website): Linear and on demand TV

Is the advertisement still accessible – where and until when?

- Phase 1 runs until May 15
- Phase 2 runs June 6 – Aug 31

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

Who is the product/brand target audience? TV: AP 25-54 / Video on Demand AP 18-54

Please provide a copy of the media schedule. Attached

Clear substantiation on claims that are challenged by the complainant.

The ASA complaints board stated that the relevant section of the code appears to be Rule 2 (b) Truthful

presentation. That rule states:

‘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.’

The Ordered From Here TV campaign uses a fantastical scenario and humour to transport a group of friends and their car around New Zealand, to illustrate where McDonald’s sources its ingredients. The campaign was shot on location where possible, including Hewson Farms, which grows specific types of potatoes for McDonald’s, and supplies McCain, which in turn produces McDonald’s fries.

The question posed in the ad is ‘What are McDonald’s fries made from?’ We do not believe it is misleading to note that McDonald’s fries are made from potatoes. The TV ad and the broader campaign talk about ingredients sourced across New Zealand. As with other finished products, we believe it is fair to assume most people understand that fries will have some other ingredients. The main ingredient in McDonald’s fries is New Zealand-sourced potatoes. The other ingredients we list are those used in the production or preparation of fries, such as washing and par frying before freezing, and then frying and adding salt in restaurant.

The rumour/myth being busted is that McDonald’s fries are either made from imported potatoes, or a concoction of artificial or other ingredients. Filmed on location, the ad articulates in a humorous way that McDonald’s uses potatoes sourced from New Zealand farmers for our fries.

The complainant references the ingredients listed via the McDonald’s website. McDonald’s provides detailed ingredient and allergen information for all permanent products. McDonald’s fries arrive to restaurants frozen and are fried in a vegetable oil. The name ‘fries’ makes it clear the product is fried. The complainant states themselves that ‘obviously they contain oil’. We believe it is obvious that the potatoes used in our fries will be cooked in oil.

The TV ad campaign is supported by other above and below the line communications. These include QR codes that link to the McDonald’s website ingredient information section, and short and long form copy that talk in more detail about the process of making products, including fries, from source through manufacture to preparation at McDonald’s restaurants.

Humour is used throughout the TV campaign, in particular short, straight to the point responses from the beef farmer, potato farmer and apple orchardist. This light-hearted approach is then supported with more detail through other channels.

Further information provided by the Advertiser

The actual number is 94% potato. A large serve fries at 133g serve size has 8ml of oil allocated as an uptake in the cooking process. The percentage uncooked would be even higher.

Appendix 3

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

CAB approved this McDonald's commercial on 18/03/21 with a 'GXC' classification, the standard classification for food advertising.

The commercial is a part of a series of brief, succinct advertisements promoting McDonald's ingredients and supply chain.

The explication of ingredients in prepared foods is strictly monitored by FSANZ (Food Standards Australia New Zealand), and McDonald's adheres to the guidelines of that organisation very closely.

CAB will defer to the advertiser for full description of their product and ingredients, and supports their response in whole.