

COMPLAINT NUMBER	22/243
ADVERTISER	McDonald's Restaurants (NZ) Ltd
ADVERTISEMENT	McDonald's, Television
DATE OF MEETING	22 August 2022
OUTCOME	No Grounds to Proceed

Advertisement: The McDonald's digital advertisement on ThreeNow promotes their My Macca's Rewards scheme. The advertisement shows a male shaking a McDonald's bag upside down only to realise its empty. The voiceover says, "We all want a little more Maccas and now we can". The advertisement shows the app and refers to earning points for purchases. The advertisement ends with the voice-over stating "My Macca Rewards. Gives you a little extra".

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

Complaint: Language has Power.

An advertisement for MacDonalD's new rewards system was played during Gold Rush (encore) on Live THREE now. The link attached below is for the THREE now website, not the ad.

<https://www.threenow.co.nz/live-tv-guide/three>

The opening comment is, "We all want more Macca's..."

This is a false statement. They have included (implicated) me and others in their statement in an attempt to normalize their product and their rewards system. In spite of current national statistics on the wholistic impact of fast foods within Aotearoa that contribute to the already failing health system.

In June 2022 it was reported that "Auckland is drowning in a sea of junk food, with residents spending more than \$1 billion annually on fast feeds and takeaways. Experts warn the city faces a looming health crisis." (Sapeer Mayron and Hannah Martin report, 2022).

According to reports MacDonalD's is worth over \$300 million dollars in Aotearoa and this advertisement does nothing to sustain the wholistic wellbeing of New Zealand whānau and society as a whole by including everyone in their effort to normalize fast food buying.

Please remove this advertisement. Aotearoa does not need manipulative language in advertisements that influence the demise of New Zealander's wholistic well-being.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(h), Rule 2(b);

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(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.

The Chair noted the Complainant was concerned advertisement is misleading to refer to everyone wanting more McDonalds “in an attempt to normalise their product and their rewards scheme”.

The Chair noted the advertisement was promoting a rewards programme for consumers who chose to visit McDonalds and purchase its food and beverage products. The Chair confirmed the ASA does not have jurisdiction over the existence and design of rewards schemes. The Chair therefore confined her review to the content and placement of the advertisement.

The Chair carefully reviewed the language used in the advertisement and said that most consumers would consider the phrase “We all want a little more Macca’s” to be a hyperbolic statement. She said in the context of promoting a rewards scheme, it was likely to be seen to be addressing customers who are McDonald’s customers rather than implying all viewers ate at McDonalds. The Chair noted that rewards schemes are a common tool for promoting loyalty and are used by cafes, cinemas and many retail outlets.

With regards to placement, the Chair noted the Complainant had viewed the advertisement while watching *Gold Rush* through the OnDemand ThreeNOW platform. The Chair confirmed that advertisements are served through the OnDemand platform using the account holder profile information, such as age and gender.

While acknowledging the Complainant’s genuine concern, the Chair did not consider the language reached the threshold to be misleading under Rule 2(b) of the Advertising Standards Code.

The Chair said the use of the phrase “a little more Macca’s” did not reach the threshold to encourage excessive consumption or undermine the health and wellbeing of individuals and was not in breach of Rule 1(h) of the Advertising Standards Code

The Chair ruled the advertisement was not in breach of Principle 1, Principle 2 or Rules 1(h) and 2(b) of the Advertising Standards Code.

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.