

Case ID: 20		Decision	
To	EU Pledge Secretariat	Date of meeting	14 May 2019
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Experts

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Ruling – McDonald's

Description

In April 2019, McDonald's aired a commercial which portrayed a noisy canteen in which three children were waiting, unfazed by the surrounding chaos. The canteen setting becomes a McDonald's restaurant where the same 3 children enjoy a comfortable table service experience, being served a 'Happy Meal' and a 'Big Mac' with soft drinks. The complaint regarded the TV commercial and included a YouTube link to the advertisement.

Complaint

The complainant, referring to the advertisement seen on the Belgian TV channel RTBF aired on Friday 5 April, mentioned that the advertisement encourages children to eat fast food, whilst also negatively portraying school canteens. The complainant added that the advertisement displays prejudice and negative judgment towards school canteens, by portraying them within a chaotic atmosphere and with unruly children. The complainant further stated that McDonald's demonstrates it wishes to play a pedagogical role by comparing and promoting itself in a caricatural way.

Advertiser's response

The advertiser indicated that it has supported the EU Pledge initiative since November 2011, making commitments on advertising to children to support parents in making informed diet and lifestyle choices for their children both in Europe and globally. The advertiser specified that the advertisement concerned shows a canteen in a summer camp and a McDonald's restaurant in Belgium and that its objective was to contrast the noise and stress to a convenient table service experience. According to OMD Belgium data on the RTBF Channels, the TV advertisement concerned was watched by a very low percentage of children aged 4-14 years old, varying from 0% to 1,4%.

The advertiser emphasised that upon further review, they have agreed that the advertisement is not up to their own standards and have therefore decided to remove the concerned advertisement from all channels. They also committed to take into consideration the learnings in their future campaigns.

EU Pledge commitment

- According to the EU Pledge, *Member companies should under all circumstances adhere to the absolute minimum requirement of the EU Pledge, i.e. avoiding programmes with an audience profile of >35% children under 12 for advertising of products that do not meet common nutrition criteria/all products (depending on company policy). Member companies should at all times adhere to corporate policy on marketing communications to children, with particular regard to:*
 - *The corporate definition of what constitutes “advertising to children under 12”. This definition may be based on the applicable audience profile: e.g. 35%, 30% or 25% children <12, or equivalent audience indexing system;*
 - *Where applicable, common nutrition criteria determine which products may be advertised to children under 12 and which may not.*

In order to minimise non-compliance, it is advisable for media planners/buyers to apply a safety margin, based on the historical audience of a programme/media channel. If in doubt, do not place spots in/around said programme/media channel.
- *Companies need to ensure that they are not designing company- owned websites and company-owned social media profiles that promote products which do not meet the EU Pledge common nutrition criteria in a way that appeals primarily to children under 12, in accordance with the Guidance on Creative Execution. This rule also applies to social media networks that do not allow children under 12 (e.g. Facebook). In addition, companies should not create social media profiles for products which do not meet the EU Pledge common nutrition criteria on any social media networks that are targeted primarily at children under 12.*
- *In non-measured media (i.e. print, cinema, online – including company-owned websites and company owned social media profiles –, direct marketing, product placement, interactive games – whether online or on DVD/CD-ROM –, outdoor marketing, mobile and SMS marketing), companies will consider, in addition to placement, the overall impression of the advertising, actions taken to restrict child access (where appropriate) and the target demographic based on the company’s media plan.*

Decision

The panel judged that, since the advertisement appeared on a TV programme which audience profile did not exceed the 35% of children under 12, the complaint regarding the TV ad itself was considered to be out of remit. However, given the fact that the advertisement also appeared on the YouTube channel of the advertiser, a link to which was provided in the complaint, the panel considered the content of the advertisement.

The panel therefore assessed the overall impression and creative execution of the ad to check if it was primarily appealing to children under 12. The panel confirmed that the ad featured products (such as a ‘Big Mac’ and soft drinks) which were not compliant with the EU Pledge nutritional criteria. In the advertisement it was not clear that the canteen was a canteen of a summer camp. The children shown in the advertisement, both the main characters and the children around them, were clearly below 12 years old. The female voice in the commercial was also considered to be aimed at children. The menu shown was a ‘Happy Meal’ and a ‘Big Mac’ with soft drinks and large portions of fries (which were actually picked up by the children to eat) and there was a comparison of a way of eating between a

canteen and a fast food restaurant, portraying the latter as much more pleasant/attractive. Overall, the panel considered that the overall impression of the advertisement is designed to appeal primarily to children under 12 years old and thus upheld the complaint on these grounds.

Panel decision: complaint upheld.

Within the EU Pledge framework, all participating companies have made their individual corporate commitments.

McDonald's commitment

- *The food and beverage menu items advertised by McDonald's to children under the age of 12, on TV, print and Internet will fulfil the common EU Pledge nutrition criteria, which are based on accepted scientific evidence*
- *All of our Happy Meal advertising that features food will include fruit or vegetables and drinks with only naturally occurring or no added sugar. Carbonated soft drinks made with artificial sweeteners will also be excluded from Happy Meal advertising*

The panel commented that the advertisement concerned featured a 'Big Mac', big portions of fries and soft drinks in Happy Meal advertising and was therefore not in line with these commitments not to advertise products which fail to meet the EU Pledge nutrition criteria.

The panel also acknowledged and welcomed the fact that McDonald's removed the ad as not being up to their own standards, and that they also commit to taking into consideration the learnings in future campaigns. Thus, no further action needs to be taken.