

## EU PLEDGE ACCOUNTABILITY MECHANISM

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**Case ID: 96**

**Settlement**

27 July 2023

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### **Description**

McDonald's influencer campaign on Instagram in Austria

### **Complaint**

The complainant submitted screenshots of the Instagram page, without the following comments:

*Sending you a complaint now about a post by McDonald's Austria in collaboration with an influencer called Marvin Hicks (who also seems to be very young?) doing a taste challenge on the streets with members of the public. Some of those he spoke to and asked to try the chicken nuggets look very young.*

### **Advertiser's response**

McDonald's provided the following statement:

*The Instagram post in question was developed in accordance with internal policies, applicable laws and our commitment to the EU Pledge. All individuals featured in the content are older than the defined age of child under the EU Pledge, and the content is not designed to be primarily appealing to children. Corrective action is not necessary at this time.*

### **EU Pledge commitment**

EU Pledge members commit either to:

- Only advertise products to children under the age of 13 years that meet the common EU Pledge Nutrition Criteria; or
- Not to advertise their products at all to children under the age of 13 years.

The above policy covers marketing communications for food and beverage products that are primarily directed to children under 13 in covered media.

Marketing communications means paid advertising or commercial sales messages for food and beverage products, including marketing communications that use licensed characters, celebrities, influencers, and movie tie-ins primarily appealing to children under 13. Company-owned, brand equity characters are not covered by the policy.

Primarily directed to children under 13 means advertising in measured media where 35% or more of the audience is under 13 years of age. Where adequate data are unavailable, companies will consider other

factors as appropriate, which may include the overall impression of the advertising, actions taken to restrict child access and the target demographic based on the company's media plan.

Covered media means the following vehicles: TV, radio, print, cinema, online (including company-owned websites and company-owned social media profiles), DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing, mobile and SMS marketing. Packaging, in-store and point of sale as well as forms of marketing communications which are not under the direct control of the brand owner, such as user-generated content, are not covered by this policy.

### **Decision**

The case was settled, as the complainant did not provide additional information and/or request to proceed with the ruling. The case will be closed and not be brought to the panel of experts for further review.