



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0011/17</b>
<b>2</b>	<b>Advertiser</b>	<b>McDonald's Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food / Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/02/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows two young boys playfully wrestling or squabbling over a remote control for the television and is followed with a voiceover saying “boys will be boys”. The two boys’ then father gives them the Summer Sides Box which pleases the boys and ceases their squabbling. The voiceover then states “but with Macca’s Summer Sides Box, there’s three favourites, plus Big Mac special sauce - so you keep everyone happy”.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Using the term "boys will be boys" as two boys are fighting. We just got through a violence against women campaign that shows how that statement perpetuates violence and excuses it when boys are violent towards women.*

### THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*McDonald's thanks the Advertising Standards Bureau (ASB) for the opportunity to provide a response to complaint 0011 of 2017 (Complaint).*

*The television commercial the subject of the Complaint (TVC) is part of the 2016/2017 advertisements for McDonald's which ended on 9 January 2017. The 2016/2017 brand ads for McDonald's contain numerous family moments which are shown with supporting background music.*

#### *Description of the TVC*

*The TVC shows two young boys playfully wrestling or squabbling over a remote control for the television and is followed with a voiceover saying "boys will be boys". The TVC then continues with the two boys' father giving them the Summer Sides Box (the advertised product) which pleases the boys and ceases their squabbling. The voiceover then states "but with Macca's Summer Sides Box, there's three favourites, plus Big Mac special sauce - so you keep everyone happy". During this voiceover, the TVC continues to show the family happily enjoying the advertised product. The TVC can be viewed by following this link: <https://www.youtube.com/watch?v=80QAj-J437g>.*

*There is an extended version of this TVC which does not include the phrase 'boys will be boys' in the voiceover and therefore we have assumed that the complaint relates to the above TVC.*

#### *The Complaint*

*The Complaint alleged that the TVC is promoting domestic violence and depicts material contrary to prevailing community standards on health and safety. The ASB has raised this issue under section 2.3 and 2.6 of the AANA Code which states that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or services advertised" and "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".*

#### *Submissions*

*McDonald's denies that it has promoted domestic violence by using the phrase "boys will be boys" in this TVC and that the TVC depicts material contrary to prevailing community standards on health and safety.*

*This TVC was released alongside another television commercial (<https://www.youtube.com/watch?v=6o3JKjpFEpU>)*

*which shows two young girls from the same family in the TVC innocently squabbling over a unicorn cup followed by the mother of the girls giving them the advertised product. This television commercial includes the similar voiceover as in the TVC with the "boys will be boys" voiceover section being replaced with, "Ah, sisterly love". The TVC should be viewed in the context of the overall campaign which will show that there is no gendered element promoting violence against women, no violence being promoted overall or health and safety standards being breached. The TVC is targeting parents, as it can be shown from the content facial expression of the father handing down the advertised product to the boys that the father knew that the advertised product would cease the boys from playfully wrestling over*

*the remote control coupled with the voiceover which suggests a way for parents to “keep everyone happy”.*

*The intention of the TVC is to promote the family’s sharing of the advertised product, also emphasised by the text “share nicely” in the end frame of the TVC. The playful wrestling of the boys in the TVC cannot be categorised as fighting and, in no way, promoting domestic violence. There are no depictions of material contrary to prevailing community standards on health and safety as the boys in the TVC are not wrestling for the purpose of causing injury to each other, rather for the pursuit of the remote control – a common argument amongst children.*

*We have viewed the website at [www.respect.gov.au](http://www.respect.gov.au) and understand that the campaign aimed to raise awareness that adults can unintentionally excuse disrespectful and aggressive behaviour in young boys against young girls with the phrases such as “boys will be boys” and “its ok he just did it because he likes you”– hence starting the cycle of violence against women. McDonald’s understands that the phrase “boys will be boys”, in certain contexts, can be used with malicious intent and to dismiss violent behaviour against women. However, in some contexts, such as this TVC, it can be used appropriately and is not promoting violence generally and more specifically not promoting or excusing violence against women. We repeat that this TVC has stopped airing as of 9 January 2017. However, we might choose to run it again in the future.*

*We understand that the ASB will also review the TVC against all parts of section 2 of the AANA Code. We submit that the TVC does not depict any content which discriminates, vilifies, exploits, degrades or contains any content which is obscene or insensitive to sex.*

### *Conclusion*

*McDonald’s were surprised to receive this Complaint as there was no intention to promote domestic violence or depict material contrary to prevailing community standards on health and safety. McDonald’s has always had a strong commitment to ensuring that it is a safe family restaurant and promoting community values.*

*Having considered clause 2.3 and 2.6 of the Code of Ethics, and more generally the entirety of clause 2 of the AANA Code, we are of the view there is no breach as there is no depiction of violence in any form or materials contrary to community standards on health and safety. The content of the TVC does not fit into any of the examples provided in the Code of Ethics Practice Note provided by AANA.*

*Accordingly, we respectfully request that the Complaint be dismissed.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement features two boys fighting and the phrase, “boys will be boys” which is contrary to current community campaigns regarding violence.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this television advertisement features two young boys wrestling over the remote control for a television while a voiceover says, “Boys will be boys”.

The Board noted the high level of community concern around domestic violence but considered that in this instance the advertisement is depicting a battle for a remote control which is not uncommon amongst siblings and in the Board’s view the advertisement is not encouraging or condoning any form of violence but rather is depicting a common scenario in loving families which is quickly resolved and forgotten as we later see the boys happily seated with their family eating a meal.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the reference to ‘boys will be boys’ in the advertisement. The Board noted the complainant’s reference to a community awareness advertisement which depicted women trying to rationalise aggressive or threatening behaviour toward women (considered by the Board in case 0212/16). The Board noted that in the current advertisement the comment ‘boys will be boys’ is made in reference to male siblings trying to take control of a remote control before their father offers them some food. The Board noted the siblings are smiling in most scenes and considered that the tone of the voiceover is light-hearted and there is no suggestion that the boys’ behaviour is violent, aggressive or threatening. The Board considered that in the context of a light-hearted depiction of siblings having a common squabble over a remote control which is quickly resolved, the advertisement does not depict material contrary to current community awareness campaigns on domestic or other kinds of violence.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards and determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

