ADVERTISING STANDARDS BOARD

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Case Report

1	**Case Number**	**0198/14**
2	**Advertiser**	**Menulog**
3	**Product**	**Professional Service**
4	**Type of Advertisement / media**	**TV - Pay**
5	**Date of Determination**	**28/05/2014**
6	**DETERMINATION**	**Dismissed**

ISSUES RAISED

- Other Social Values
2.1 - Discrimination or Vilification Religion

DESCRIPTION OF THE ADVERTISEMENT

The TV ad depicts a series of Australian characters within a scene reminiscent of the historical work of art created by Leonardo Da Vinci's Last supper. These characters live in Bondi and are trying to decide which type of cuisine they want to enjoy for dinner – Thai, Indian or pizza?
The hero suggests Pizza and introduces the other characters to Menulog, where he showcases the functionality of the product: Suburb - Bondi, range of restaurants, specials and speed of ordering.
In an instant the pizzas arrive, someone calls out "it's a miracle!" and the characters eat.
The celebrations are interrupted by a loud cough as we reveal a frustrated Leonardo Da Vinci trying to get them to sit still for his painting.
They strike a pose and say "cheese" in unison as they highlight a "tablet" with Menulog glowing from it. The ad ends with VO and graphics with a call to action to Menulog it @ Menulog.com.au

THE COMPLAINT

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

I'm a Christian and I find it offensive that my faith is being belittled and disrespected. Treating such an important part of the Christian faith as a joke is unbelievably insensitive.

THE ADVERTISER'S RESPONSE

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

Thank you for your communication commencing on the 13th of May in regards to the Menulog TV keyed MLO301(the TVC). Our comments in relation to the complaints are outlined below.
Overview
The Advert referred to was created to promote Menulog.com.au's online takeaway service. Menulog is a brand that has a history of fun, tongue in cheek, comedy orientated advertising from talking dogs and fridges to our latest TVC.
We submit the TVC continues this tradition of comedy, orientated entertainment and that our target audience of 18-34 year olds understand as being comedic in nature and its distinction between parody and history or religion.
In reference to section 2.1 of the Advertising code of ethics:
Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.
In general the complaints refer to the discrimination and belittling of Christianity and Jesus so we have addressed these jointly within our response.
We dispute the complaints stating that the advert discriminates Christianity or vilifies Christians.
The advertisement does not discriminate against Christianity nor does it vilify against a person or group of people. It does not speak ill of Christianity, the characters it portrays or the events that took place at the Last Supper.
Our comedic intent in the TVC was to create a moment in history and art, that our target audience would be aware of.
Our parody's narrative features the ordering of takeaway food and the creation of an iconic artistic image in history. Neither of which can be deemed offensive or derogatory.
The use of well known moments in history and art is common in popular culture.
For instance, the image of Leonardo Da Vinci's painting of the last supper has been parodied countless times including in TV shows such as the Simpsons and That 70's show and used as a promotion poster for season 4 of the show House.
The mere use of such a moment does not itself discriminate against or vilify any person or belief.
In regards to the complaint that the advert belittles Jesus and the disciples, at no point does it refer to any of those characters by name or their personality. Again we are not denying that the characters are dressed to resemble the paintings interpretation of Jesus and the 12 disciples however the fact the characters are using Australian accents and living in Bondi as communicated at the start of the TVC, further establishes the fact that is a parody of the iconic scene of the painting and not an attempt to belittle or discriminate against Jesus, the Disciples, the events at the last supper or Christianity.
We also dispute that the events and the narrative of the TVC - the selection, ordering and eating of takeaway food could be deemed to be belittling and certainly does not cast any of the characters in a negative or belittling light.
In relation to the complaint stating that the advert is subliminally promoting the Christian church, we disagree that the advert could be interpreted in this way. The advertised product

is clearly communicated and demonstrated throughout the advert and it is abundantly clear that it is being advertised in a comedic fashion.
In regards to the exclamation by the cast after the pizzas arrive so quickly is relevant to the Oxford Dictionaries definition of Miracle: An extraordinary and welcome event that is not explicable by natural or scientific laws, as in a miracle product that has changed the Takeaway food ordering industry, and in doing so has become the number one product for ordering Online Takeaway. (As demonstrated in our CAD submission)
We appreciate that the humour may not be to everyone's liking however it was created to resonate with a targeted audience and urge the Advertising Standards Board to dismiss the complaint as humour is an important part of advertising and is certainly subjective.

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 concern that the advertisement is offensive and disrespectful to Christians. The Board viewed the advertisement and noted the advertiser's response. The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.' The Board noted the advertisement features a group of men seated at a long table in a scene reminiscent of the Last Supper. The Board noted it had previously dismissed an advertisement which featured a cartoon character named Jesus apparently performing a miracle by appearing to walk on water (0079/12). In that instance: "The minority of the Board agreed that some members of the community would consider that the advertisement mocked and trivialised Christian beliefs, in particular by suggesting that Jesus walking on water was not a miracle. The minority of the Board considered that the advertisement is demeaning of Christian beliefs and that it does vilify people of Christian belief and values. The majority of the Board also agreed that advertisements which use humour in connection with religious concepts would be considered offensive by many members of the community. However the Board noted that the Christian faith is well established and accepted in Australian society and that many well-known elements are now used as general references, for example, "walking on water? to describe the achievements and success of particular people. The majority of the Board considered that the advertisement was not attacking of a vulnerable minority group and that it does not discredit any specific elements of Christianity. In fact the Board considered that the advertisement clearly acknowledges that walking on water is "another one? of the miracles that Jesus performed and is supportive of the Christian belief that Jesus did perform miracles. The majority of the Board considered that the imagery depicted in the advertisement does not denigrate Christianity or Christians and would be seen by most people as a humorous play on a well-known biblical story with no reflection on the beliefs underpinning the scene." In the current advertisement the Board noted that whilst the central character is clearly intended to be Jesus this name is not actually used and the reference to a miracle is in relation to the quick arrival of the pizzas rather than any actions performed by the Jesus character. The Board noted that the Last Supper as told in the Bible is different to the scene used in the advertisement and considered that by using a set-up which is well known as the artist Leonardo Da Vinci's interpretation of the Last Supper and depicting a painter asking the men to pose, the most likely interpretation is that the advertisement is depicting Da Vinci painting his masterpiece using actors to represent Biblical characters rather that the advertisement depicting the actual Last Supper itself. The Board acknowledged that some members of the

community would find the use of a key Biblical event which links to the sacraments to be disrespectful. The Board noted it had previously upheld an advertisement featuring the baby Jesus rejecting His gifts from the Three Wise Men (448/07) where: "The Board considered that this depiction was not merely use of a traditional religious image in an unusual context or irreverent manner, and that it amounted to a demeaning take on an important religious belief. In this case the Board considered that the demeaning take on an important Christian belief did amount to discrimination against or vilification of Christians and the Christian religion." A minority of the Board considered that in this instance although the advertisement is depicting a painter painting a popularised version of the Last Supper it is still trivialising an important part of the Christian faith in a manner which is discriminatory towards a section of the community on account of religion. The majority of the Board however considered that the advertisement does not undermine the concept of the sacraments and that by using an image of someone painting the Last Supper the advertisement it is ensuring that the event remains part of common modern vernacular. The majority of the Board considered that consistent with its determination in 0079/12 the advertisement does not denigrate Christianity or Christians and is using a humorous play on a well-known Biblical story with no reflection of the beliefs underpinning the scene. The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

INDEPENDENT REVIEWER'S RECOMMENDATION

THE DETERMINATION ON REVIEW

ADVERTISER'S RESPONSE TO IR DETERMINATION