



Case Report

1	Case Number	0003/16
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is premised on “answering the call of Angus.” When the iconic sound of bagpipes plays out of the Mr Angus van, the men featured in the Advertisement hear the call of Angus and are summoned to answer it by visiting a McDonald’s restaurant.

A man is shown waiting for his wife to hand him money so he can purchase a new Angus burger at McDonald’s. Impatiently, the man takes his wife’s handbag and shouts “Sorry. Love you!” as he runs out and jumps over the fence. We then see this man and many others running after the Mr Angus van as it heads to a McDonald's restaurant.

THE COMPLAINT

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

The advertisement reinforces the sexist stereotype of stupid, infantile males. If a similar advertisement were to show women mesmerised by music, asking their men for money and stealing their wallet (as a man in the ad does to his presumed wife), running after a handbag mobile into a handbag store, there would be no doubt of sexism. The same standards should apply regardless of the sex being affronted.

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 submissions in response to complaint number 0003/16 ("Complaint") in respect of the "Answer the Call of Angus" television commercial (<https://www.youtube.com/watch?v=FwyZbX7EiX8&>) ("Advertisement").

We submit that the Advertisement is not in breach of the Section 2 of the AANA Advertiser Code of Ethics ("AANA Code"), which incorporates the AANA Code for Advertising and Marketing Communications to Children ("AANA Children's Code") and the AANA Food and Beverages Marketing and Communications Code ("AANA Food Code") (together, the "Codes"). McDonald's has rigorous internal checking processes for all of its consumer communications and is acutely aware of the reach of its advertising. McDonald's is very sensitive to ensuring compliance with the Codes.

We have considered the complaint and, for the reasons set out below, submit that the complaint should be dismissed.

Description of Advertisement

The Advertisement is premised on "answering the call of Angus." When the iconic sound of bagpipes plays out of the Mr Angus van, the men featured in the Advertisement hear the call of Angus and are summoned to answer it by visiting a McDonald's restaurant. The overall tone is light-hearted and tongue-in-cheek. The intended audience of the Advertisement is primarily men aged 18-39.

In the impugned scene, a man is shown waiting for his wife to hand him money so he can purchase a new Angus burger at McDonald's. Impatiently, the man takes his wife's handbag and shouts "Sorry. Love you!" as he runs out and jumps over the fence. The scene is clearly humorous and highlights the man's love for Angus.

The media buyer is OMD Australia and the advertising agency is DDB Australia.

The Complaint

The Complaint alleges that the Advertisement "reinforces the sexist stereotype of stupid, infantile males." The ASB has raised this issue under Section 2.1 of the AANA Code which states that "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, gender, age, sexual preference, religion, disability, mental illness or political belief."

Submissions

According to the AANA Code of Ethics Practice Note ("Practice Note"), discriminatory behaviour involves "unfair or less favourable treatment" and vilification involves behaviour that "humiliates, intimidates, incites hatred, contempt or ridicule." We submit that the Advertisement does not incite hatred towards men or treat them in an unfair manner. Nor does the Advertisement reinforce any offensive gender-based stereotypes or promote any act of bigotry or intolerance. There is no suggestion whatsoever that men are unintelligent or the lesser sex. Rather, the Advertisement simply adopts a light-hearted approach to illustrate a

man's love for Angus by "answering the call" at McDonald's – reminiscent of an ice cream van's call to action.

In addition, the Practice Note states that "advertisements can suggest stereotypical aspects of an ethnic group or gender with humour provided the overall impression of the advertisements is not a negative impression of people of that ethnicity or gender." We submit that the Advertisement does not convey a negative impression of men and uses humour in a balanced and appropriate manner. Accordingly, the Advertisement would not be considered by the community as a portrayal of discrimination or vilification on account of gender. Furthermore, as the ASB previously noted in Case 0210/15, addressing hypothetical alternatives, such as the hypothetical advertisement featuring women proposed by the complainant, is not part of the ASB's role as an adjudicator.

We understand that the ASB will also review the Advertisement against all parts of Section 2 of the AANA Code. We submit that the Advertisement does not depict any content which is exploitative, violent, insensitive to sex, obscene or unsafe. For completeness, we note that the Advertisement was filmed under controlled supervision on closed roads and a disclaimer to that effect is featured in the Advertisement. We also maintain that the Advertisement complies with the other Codes in all relevant aspects.

Conclusion

We submit that the Advertisement does not contravene Section 2 of the AANA Code and accordingly the Complaint should be dismissed.

We thank the ASB for providing us with the opportunity to respond to the Complaint and look forward to learning the outcome. McDonald's takes its responsibilities under the Codes very seriously and is committed to ensuring ongoing compliance.

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 is sexist in its depiction of men as stupid and infantile.

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 this television advertisement features various men undertaking different

activities, who, upon hearing the bagpipe music playing from a Mr Angus van, stop what they are doing to run after the van and follow it to a McDonald's restaurant.

The Board noted the complainant's concern about the scene showing a man grabbing his wife's handbag before running after the van. The Board noted the complainant's concern that if the genders were reversed and a woman took a man's wallet to chase after a handbag van then it would not be acceptable. The Board considered that its role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of their role.

The Board noted the scene where the man takes his wife's handbag and considered his reaction is in response to his wife's slowness at opening her bag and there is no suggestion that the man is stealing her bag but rather that he needs the money more quickly than she can get it out and that his impatience with her at not being able to access her bag quick enough to give him money is not discriminatory towards women but reflective of an impatient moment that could happen to either gender.

The Board noted the overall theme of the advertisement which likens the Mr Angus van to an ice-cream van which is generally a positive experience for those following and considered that the depiction of men chasing after the van is similar to the reaction young children would have to an ice-cream van and that most members of the community would find this image to be humorous and reminiscent of childhood and this is why the men are depicted as acting like children. The Board considered that the advertisement does not suggest that men would behave like this otherwise and the use of men chasing the van was consistent with the target audience for meaty burgers.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

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.