



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0006-20</b>
<b>2. Advertiser :</b>	<b>McDonald's Australia Limited</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>22-Jan-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a truck driver and his dog on a journey together, passing several McDonald's restaurants along the way. The dog barks to the truck driver each time they pass a McDonald's restaurant, before the truck driver pulls into a McDonald's restaurant to be greeted by their family.

### THE COMPLAINT

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

*This ad shows a truck driver (and his dog) driving for a very long time, at least pre-dawn, through the day, into the night and back into daylight with no apparent extended stops. Given the high rate of deaths in truck fatigue related accidents I believe this ad is a very bad example of truckies either choosing, or being required to drive for too long a period.*

*Driving without stopping for safety and required breaks is acceptable p*

*The advertisement depicts illegal and unsafe activity. The driver sets out in daylight, drives non stop through the night, only stopping some considerable time after sunrise. The dog has indicated the desirability of a stop several times, but the driver responds each time with something like 'not yet'.*



*This would be clearly in breach of work safety regulations stipulating drivers take a break after set hours. The time span indicated is not absolute, but from well before sunset to well after sunrise, something of the order of 12 hours non stop driving. I'm not happy with the portrayal of illegal and unsafe driving as a desirable thing.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for requesting a response to complaint number 0006-20 (Complaint).*

*The Complaint refers to a Free to Air brand advertisement for McDonald's (Advertisement). The Complaint is made under section 2.6 of the AANA Code of Ethics (AANA Code) and alleges that the Advertisement is promoting material that encourages unsafe motor vehicle use.*

*The Advertisement does not breach the AANA Code as it does not promote any unsafe behaviours. Contrary to the complaints raised, there is nothing in the advertisement to suggest that the truck driver has been driving without appropriate stops within his journey. This is supported by the truck driver always appearing in a positive mood and is driving safely at all times. For the truck driver to be promoting unsafe motor vehicle use, and so supporting the Complaint, he would be near falling asleep behind the wheel, with bags under his eyes, and the truck dangerously swerving from micro sleep. Furthermore, the dog always appears to be in a happy mood with sadness only being perceived when his barks to stop at the McDonald's restaurant are rejected. It is clear that the truck driver and the dog have a close relationship. It is not reasonable to assume from this Advertisement that the truck driver does not take care of his pet. This is supported by the fact that the dog is safely secured by a dog harness in the car.*

*Toward the end of the Advertisement, reasonable members of the audience may recognise that the reason the dog was barking at the McDonald's restaurants is because McDonald's means to the dog that he will be reunited with his family. If the dog was desperate for a stop, it would not be able to sit still on its seat and would be barking for a longer duration of time, not once every 100 or so kilometres where there is a McDonald's restaurant.*

*Accordingly, the Advertisement complies with the AANA Code and the Complaint should be dismissed. We have considered other matters under section 2 of the AANA Code of Ethics and submit that the Advertisement does not breach any of the other matters covered by that section or by any of the other applicable codes.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainants' concern that the advertisement depicts a truck driver driving for a very long time without stopping which is unsafe.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement complied with 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 Panel noted the very significant community concern about driver safety and the significant rules around driving times for long distance truck drivers.

The Panel noted the advertiser's response that there is nothing in the advertisement to suggest that the driver is not stopping, and that the dog barks at McDonald's restaurants because he recognises that that is where he meets his family, not because he needs to stop.

The Panel considered that it was clear from the end of the advertisement that the dog was excited by McDonald's because he meets his family at a McDonalds. The Panel considered that the driver's responses at each of the McDonald's were an indication that these weren't the right McDonald's for their family to be at, and were not an indication that the driver would not stop at all.

The Panel considered that the driver appeared awake and alert throughout the advertisement and that he was depicted driving safely at all times. The Panel considered that there was no indication that the driver was fatigued or sleep deprived and that while the advertisement did not show the driver taking a break, in the Panel's view there is not a strong indication that the driver has not taken breaks

The Panel considered that the overall impression of the advertisement was that the dog was excited at the possibility of meeting his family, and was not that the driver was driving throughout the day and night without appropriate breaks.

The Panel determined that the advertisement did not depict material that most members of the community would consider to be contrary to Prevailing Community Standards on health and safety, and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.