



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0035-21</b>
<b>2. Advertiser :</b>	<b>Schnithouse Hilton</b>
<b>3. Product :</b>	<b>Alcohol</b>
<b>4. Type of Advertisement/Media :</b>	<b>Print</b>
<b>5. Date of Determination</b>	<b>24-Feb-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption  
AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement is a listing on a menu in store. It features an image of food and a beer, and the text:

Man V Schnit \$45

For those that can handle a big Schnit!

1KG Chicken Schnitzel, chips and a sauce of your choice + 1L of Beer or Cider!

The challenge is to be completed in 45 minutes.

All food on the plate, except garnish, is to be eaten

No sharing

Finish the beer or Cider

Complete the challenge and you will receive a Schnithouse cap, FREE dessert and your picture on our Facebook page & Top 10 Wall of Fame! Dine in only. Are you man enough to take the challenge?

### THE COMPLAINT

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

*The challenge states "Are you man enough to take the challenge", while being sexist and ignorant is encouraging men to put their bodies on the line to serve the late stage capitalism style of over consumption of food and alcohol.*



## **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 letter dated 3/2/21 in relation to a complaint received on the 2/2/21 stating concerns with our Man v Schnit Challenge.*

*We have been operating this brand for over 6 years now and I must say that this is the first complaint of any kind relating to this challenge.*

*May I firstly point out that within the complaint "Advertised Product or Service", it has stated Alcohol. Our challenge clearly states Man v Schnit not Man v Beer/Cider. The main emphasis with regards to an advertising perspective is the food with the beer or cider being an accompaniment.*

*The complaint implies that we are encouraging patrons to consume 1 litre of beer or cider on its own when in fact the beverage is served with in excess of 1kg of food so the effect of the beer/cider on the consumer is clearly reduced than if consumed on its own.*

*Only a very small percentage of patrons actually attempt the challenge and of these only very few actually complete it.*

*What is also important to note is that those that attempt the challenge never consume additional food or alcohol whether successful or otherwise.*

*Also, in all this time we have never had anyone who has attempted the challenge experience any adverse reactions or effects as a result of their attempt and there have been no reports of irresponsible behaviour.*

*The challenge is only advertised on our menu and not on any signage or other promotional material inside the premises.*

*Our new menu currently being printed has a change stating are you "up for the challenge" as we had a lady complete the challenge recently. (Changed from are you man enough)*

*I note also that many other venues are offering similar challenges and many bars/clubs are serving multiple spirit shots such as an "ABC" which contain multiple standard drinks in one shot glass, available without having to consume food.*

*I hope this sheds some light on the situation from our perspective and please do not hesitate to contact me for any further information or clarification.*

## **THE DETERMINATION**



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement:

- encourages men to put their bodies on the line to serve the late-stage capitalism style of over consumption of food and alcohol.
- is sexist and ignorant.

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

### **Is the advertisement for a food or beverage product?**

The Panel noted that the Food Code defines food or beverage product as: "any food or beverage products other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code."

The Panel noted that this advertisement featured a promotion for a meal consisting of meat, sides and alcohol.

The Panel considered that while the advertisement is also a promotion for alcohol, it is in part a promotion for food and that the Food Code would apply to this aspect of the advertisement.

***Food Code Section 2.2: Advertising or Marketing Communication for Food or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards.***

The Panel noted that the advertisement featured a promotion for one kilogram of chicken schnitzel with sides, and that if all food is consumed within 45 minutes the meal would be free and small prizes would be given.

The Panel noted the Practice Note for the Food Code states:

*"In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Community Panel will consider whether members of the community in the target audience would most likely take a message condoning excess consumption. The Community Panel will also consider the age of the person shown in association with the product, recognising for example, that a teenage male may often consume more than a*



*female or younger child and this may not be a representation that encourages excess consumption in the situation portrayed.”*

The Panel first considered who the target audience of the advertisement was. The Panel noted that the advertisement was part of an in-store menu, and therefore the target audience would be customers of the restaurant.

The Panel noted that customers of the venue would likely be familiar with the style of food sold by the business, and would likely not be surprised or offended by the ‘man vs schnitz’ challenge. The Panel considered that eating challenges such as this are common in many different restaurants and would be considered by some to be a part of Aussie culture.

The Panel considered that the advertisement does not make any claims that the advertised meal is healthy, instead it is promoting an exceptional eating event which would be difficult for many people to complete. The Panel noted this is one of many options available on the menu and that the promotion of one high-consumption meal does not by itself undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets.

The Panel considered that the that the portion sizes were appropriate to the setting of an eating challenge. The Panel considered that the target audience would most likely take the message that this is a once-off eating competition which is outside of normal dietary habits and would not see it as a message condoning excessive consumption in general.

### **Food Code Section 2.2 conclusion**

The Panel determined that the advertisement did not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets or encourage what would reasonably be considered as excess consumption through the representation of portion sizes disproportionate to the setting portrayed or by means otherwise regarded as contrary to Prevailing Community Standards. On this basis, the Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

***Code of Ethics Section 2.1: Advertising 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 orientation, religion, disability, mental illness or political belief.***

The Panel noted the Practice Note for the Code provides the following definitions:

- Discrimination: unfair or less favourable treatment
- Vilification: humiliates, intimidates, incites hatred, contempt or ridicule.



The Panel noted the phrase “Are you man enough to take the challenge?” and considered whether the use of this phrase discriminated against or vilified a section of the community on the basis of gender.

The Panel noted the advertiser’s response that they have recently changed the wording of the advertisement to ‘are you up for the challenge’ as they have recently had a woman complete the challenge.

The Panel considered that the phrase ‘are you man enough’ is a colloquial phrase commonly used to issue a challenge. The Panel considered that in the context of the overall advertisement there is no suggestion that women cannot complete the challenge, or that if men don’t complete the challenge they are less of a man.

The Panel considered that the advertisement does not show anyone to receive unfair or less favourable treatment because of their gender.

#### **Code of Ethics Section 2.1 Conclusion**

The Panel determined that the advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender. The Panel determined that the advertisement did not breach Section 2.1 of the Code.

#### **Code of Ethics Section 2.6: *Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.***

The Panel considered that some members of the community would regard consuming four standard drinks in the space of 45 minutes to be risky behaviour.

The Panel noted that one litre of beer or cider could contain up to four standard drinks. The Panel noted that recently updated National Health and Medical Research Council guidelines recommend “to reduce the risk of harm from alcohol-related disease or injury, healthy men and women should drink no more than 10 standard drinks a week and no more than 4 standard drinks on any one day.”

The Panel noted the advertiser assert’s in its response that people who attempt the challenge do not consume any additional alcohol.

The Panel considered that in the context of an eating challenge where the alcohol is consumed with a large amount of food, and where no additional alcohol is consumed after the challenge, most members of the community would not consider the advertisement to be promoting unsafe behaviour.



### **Code of Ethics Section 2.6 Conclusion**

The Panel determined that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other sections of the Food Code or the Code the Panel dismissed the complaint.

### **ABAC Code**

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics.