



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0072/14
2	Advertiser	Oporto Franchising Pty Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Nationality
- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The Oporto :30 second advertisement for Steak Roll uses a tongue in cheek creative device called the 'Carne Cartel'. They are a fictional gang who only sell the best quality steak products and ensure that only the best steak products are on the market. In the ad we see Boss Grande speaking to a chef who is bound and hooded who has been using sub-par steak. As Boss Grande is speaking about the great steak that you get from Oporto, you see delicious food shots of Oporto's new Steak Roll and ingredients.

THE COMPLAINT

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

Identifies people of South American heritage showing them with a roll of knives with a hostage with a bag over his head.

I truly find this ad so offensive I am causation so have no ties to the identified minority but as a whole this advertisement for junk food which children identify with is extremely disturbing on many levels.

I feel this ad is absolutely disgusting; there is enough violence in this world today without watching it in advertisements. Surely the product can be advertised in a much more appropriate way.

THE ADVERTISER'S RESPONSE

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

As it relates to Section 2 of the code:

2.1 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.

• This advertisement in no way discriminates or vilifies a person or section of the community. The knowledge of gangs, cartels etc. are well known entities and in every community throughout the world. These entities are regularly featured in movies and can typically be seen on Australian/International Drama's (i.e. Fat Tony, Underbelly, Sopranos, The Wire, etc. which are also advertised and aired post 8:30pm where this advertisement has been scheduled, per its M rating.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

• This advertisement does not employ sexual appeal in any manner.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

• Oporto has a long standing tradition of serving only fresh, not frozen chicken products and do not serve anything else in their relentless pursuit of quality.

• The launch of their new steak product, which is also a fresh steak product, is no different and is made with a Latin-American marinade.

• In creating the campaign we looked for a creative device that would be inspired from the food's flavor heritage (Latin America) and could serve to portray the product in a manner demonstrating Oporto's hard-lined philosophy for quality. As such, we have created a 'Carne Cartel' creative device; based on a Latin-American cartel to portray a group who are passionate about the quality of food and have taken a light hearted approach to demonstrate that only the best quality steak products should be accepted.

• No harm comes to anyone in the advertisement and no violence is actually portrayed. We believe consumers will know and understand that Oporto in no way endorses violence of any kind, but has taken creative license to demonstrate that Oporto now has quality steak products.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

• This advertisement does not use sex, sexuality and nudity.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

• This advertisement does not use inappropriate language.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

This advertisement does not depict material contrary to Prevailing Community Standards on health and safety.

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 complainants’ concerns that the advertisement depicts violence and is discriminatory in its portrayal of people from South American countries. The Board viewed the advertisement and noted the advertiser’s response. The Board noted that the advertisement features a hostage style scenario with a person being held captive “the Chef” with a covering over his head and being restrained by a thug. A man with a selection of knives “Boss Grande” speaks to the hooded person about how things are done in the Carne Cartel, using only fresh ingredients not frozen. Images of the food ingredients are seen before the jingle at the end for Oporto. The Board first 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 that the Grande Boss refers to “that’s how we do it in the family” and considered that a reference to the family could be considered by viewers as a link to the mafia. The Board agreed that the characters are intended to be seen as mean and rough and that the characters were portrayed as stereotypical members of a gang or cartel. The Board considered that this reference is an assumed connection to a gang from a particular ethnic background and that it is not clear that the characters are part of any particular group or that they are from any particular country or nation. The Board considered that the advertisement is not demeaning or impacting negatively on any person or group of people and did not depict material in a way which discriminates against, or vilifies a section of the community and did not breach Section 2.1 of the Code. The Board then 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 that the initial scenes show a person captive with a bag or covering over their head. The Board noted that the advertisement was intended to draw connection with many popular movie scenes such as ‘Tarantino’ that include scenes of capture and torture. The Board noted that unlike in a movie, the advertisement does not show a hero saving the victim or the eventual consequence for the captured person. The Board considered that the act of keeping someone captive and covering their face could be perceived by viewers to be a take on the ritualised beginnings of the torturing of the captured man and that these actions are both menacing and violent. The Board noted that the advertisement is for a restaurant ‘Oporto’ and the new line of steak burgers available. The Board noted that in one scene the boss waves and points a large cleaver toward the masked man and there are flashes of an oxy torch and knives. The Board noted a scream is heard and then a splatter of sauce appears on the face of the thug. The Board noted that these images in connection with what the Boss is saying and images of pieces of steak on a board allude to the idea that it is blood that splatters on his face and that something has been chopped. The Board felt that although the meat is displayed because it is an ingredient in the final burger, the imagery was unclear that all the components were not directly linked to a torturous act and in the Board’s view were clearly intended to suggest torture at that point of the advertisement. The Board noted that this advertisement had been given an M rating by CAD and that it was broadcast only in the relevant time slots for the rating. The Board considered that even though the advertisement was likely to be viewed by an older audience, the portrayal of violence was not justified in the context of selling a burger. The Board noted that the practice note to the Code refers to previous decisions of the Board that have a strong suggestion of menace presents violence in an unacceptable manner and breaches section 2.3

of the Code. The Board considered that in the current advertisement the depiction of a person being held captive by two people and with their head covered was a clear depiction of menace and was unacceptable.

Based on the above the Board determined that the advertisement did not present or portray violence in a manner that was justifiable in the context of the product or service advertised and that it did breach section 2.3 of the Code. Finding that the advertisement breached Section 2.3 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thank you for your correspondence in relation to our :30 TVC for our new 'Steak Rolls Range' (ASB Ref: 0072/14). I can confirm that the :30 TVC referenced in the complaint has been removed from air effective immediately and there are no plans to air this :30 spot in the future. Oporto is committed to complying with the AANA Code of Ethics and will continue to ensure that its advertisements are in accordance with prevailing community standards.