



Case Report

1	Case Number	0076/14
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

The TVC is an advertisement for McDonald's Loose Change Menu. The TVC depicts a fun moment where loose coins set off an elderly couple and their car's hydraulics to start bouncing to the music after the car rides over a pothole.

THE COMPLAINT

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

This advertisement sets a very bad example for our children and impressionable youth to follow. If our police force is to maintain integrity and remain above reproach, it is simply NOT okay for police men and women to be portrayed on duty munching away on chips and particularly McDonald's chips.

With the well known public perception that McDonald's provides free junk food to police on duty, and the serious problem of obesity in our society resulting from too much junk food in our diet, I am amazed that this advertisement has been approved for broadcasting.

Operating a vehicle that bounces the front wheels off the ground is illegal and constitutes Unsafe Driving. This would break a road law of "Operate Unsafe vehicle" or could be considered Driving in a Manner dangerous. The fact that Police are seen in the ad and choose not to act is at their discretion but does not change the fact that an unroadworthy vehicle is being operated and adds a sense of credibility that a young viewer may think that

owning a "low rider" or bouncing car and operating it on a public road is legal. I believe this ad would not be acceptable if it was for a car rather than a restaurant.

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 a response to complaint number 0076 of 2014 (Complaint).

We were sorry to hear that the television commercial (TVC) the subject of the complaint offended the complainant.

We do not consider that the TVC depicts or condones unsafe driving or the operation of an unsafe motor vehicle. Further, we do not believe that the TVC is in breach of Section 2.6 of the AANA Code of Ethics (Code) or the Code generally.

The TVC is part of a series of light-hearted and humorous television commercials which promote McDonald's Loose Change Menu. Each of the television commercials in the series contains a fun moment where loose coins set off characters and objects to start "jiggling" to the supporting music. The supporting music is the fun and well known pop song "Sexy and I Know It" by LMFAO, with revised lyrics "jiggle jiggle".

The TVC is intended to depict an unreal, out of the ordinary situation and has a light-hearted and humourous tone. In the TVC an elderly couple and their car's hydraulics start bouncing to the music after loose coins in the car "jiggle" as a result of the car riding over a pothole. In the final scene we see the elderly couple dancing to the song alongside the bouncing car outside a McDonald's restaurant.

We consider that the relevant audience would appreciate the humour in the contrast of the elderly couple bouncing in a classic car to the beat of a young popular song. The relevant audience would also understand the exaggeration of the scenario as in reality, coins or a pothole could not cause a car to start bouncing. We do not believe that young viewers, as the complainant suggests, would think that the TVC is condoning unsafe or illegal driving or the driving of a car with hydraulics in real life.

The Police characters featured in the TVC are also shown in a humourous and cheeky manner eating McDonald's fries. When the Police characters see the elderly couple in the car, the car is stationary so it cannot be inferred that Police condone unsafe driving or the operation of a car with hydraulics.

We also note that the TVC received CAD approval and it is important to recognise that the advertisement is for McDonald's food products, not a motor vehicle.

McDonald's does not condone unsafe or illegal driving practices and there was no intention to depict or encourage such behaviour in the TVC. We believe that it would be taking the TVC out of context to conclude that there is a breach of the Code.

It is our view that a common sense approach should be adopted by the ASB in reviewing this Complaint and we respectfully request that the Complaint be dismissed.

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 features a driving practice that would breach the law and presents police officers in a negative way.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered 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 Board noted that the advertisement depicts a scene with an elderly couple driving in a vintage car that hits a pothole in the road and starts to bounce up and down.

The Board noted the complainant’s concerns that a vehicle bouncing along the road with the wheels lifting off the ground would be a breach of the law. The Board noted that the vehicle in the advertisement is depicted as a custom “low-rider” a trend synonymous with Southern California where the suspension is modified to enable the car to bounce up and down whilst driving.

The Board noted that the elderly couple driving the vehicle hit a pothole in the road and that is when the car commences the bouncing action. The Board noted that although a deliberate attempt to make the wheels of a car leave the ground would likely be a traffic infringement, the car in this advertisement is responding to the connection with the pothole and is not a deliberate and illegal activity.

The Board noted that the advertisement includes the lyrics and music from the song “sexy and I know it” by LMFAO and that the lyrics have been replaced with the words “jiggle, jiggle, jiggle”. The Board noted that as the car bounces, some loose change in a compartment in the car bounces along with the vehicle.

The Board noted the connection between the car bouncing and the song is to draw attention to the loose change and the fact that there is a new loose change menu available at McDonald’s.

The Board noted that the portrayal of the elderly couple in the advertisement is clearly fantasy and that the light-hearted nature of the advertisement is clearly intended to reflect that the likelihood of this occurrence is unrealistic and comical.

The Board noted the complainants’ concerns regarding the portrayal of the police officers eating chips while in a police vehicle and presumably on duty.

The Board noted that the depiction of the police officers in this situation is clearly intended to add to the comical nature of the situation and is not a negative portrayal of law enforcement officers and is not disrespectful.

The Board considered that in this instance the advertisement does not depict any material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

