



## Case Report

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|----------|--------------------------------------|---------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0128/11</b>            |
| <b>2</b> | <b>Advertiser</b>                    | <b>Hungry Jacks</b>       |
| <b>3</b> | <b>Product</b>                       | <b>Food and Beverages</b> |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV</b>                 |
| <b>5</b> | <b>Date of Determination</b>         | <b>27/04/2011</b>         |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>          |

### ISSUES RAISED

2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

A man is eating a Hungry Jacks burger and watching another man shake out a red picnic blanket. The man with the burger charges at this other man like a bull, knocking him over. The male voice over says, "Feed the beast in you with real Angus beef" and we see a close up of a burger on screen.

At the end there is a suggestion that the man is reacting to the red coat of a lady feeding ducks in a nearby pond.

### THE COMPLAINT

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

*Man with hamburger crash tackles man with blanket and sends him heavily to the ground. This was unprovoked assault on a person going about their lawful business. Man with hamburger then zeroes in on elderly lady also going about her lawful business. The inference being that he intends to assault her also. I believe this advertisement encourages, condones and somehow glamorises assaults on totally innocent people. I believe we have far too much violence in our society and advertisements like this are a destructive influence especially on young people.*

### THE ADVERTISER'S RESPONSE

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

*The complaint is said to raise issues under section 2.2 of the Australian Association National Advertisers Code of Ethics (AANA Code) which provides as follows:*

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

*Response to the complaint*

*General Observations*

*The TVC centres on and promotes the fact that quality 'Angus beef' is used in Hungry Jack's range of Angus beefburgers. The use of the bull silhouette during the depiction of the three Angus beefburgers clearly makes the link between the 'bull' and the Angus beef burger patty. The purpose of the TVC is to reinforce the "real Angus beef" element of the Hungry Jack's Angus burger by the clearly fanciful concept that the beef is so real its consumption will turn a consumer into (or cause them to manifest the traits of) a bull.*

*Playing on this theme, a vibrant red picnic blanket is shown being shaken by a man in a manner which clearly evokes thoughts of a matador. At the same time, a man who has just started to eat a Hungry Jack's Angus beefburger sees the picnic blanket being shaken in (comically) slow motion and is attracted to it like a "red rag to a bull". To add to the clearly slapstick and humorous nature of this scene, background music with a Spanish music theme begins to play.*

*The scene then changes to show the 'Bull' running towards the picnic man and the picnic man being unrealistically "bowled" in a slapstick fashion that involves a quite athletic (rather than violent) somersault. The picnic man is unharmed but clearly somewhat bewildered and bemused by the whole event. His female companion appears not to even notice the 'Bull'. The scene then changes to show a stereotypical "little old lady" in a vibrant red coat. No vision is shown of any interaction between the 'Bull' and the lady and it is her red coat, rather than anything to do with the lady herself, that excites the attention of the person eating the Hungry Jack's Angus beefburger.*

*On any fair view of the TVC, no-one would understand it to seriously suggest that the consumption of a Hungry Jack's hamburger would turn one into a 'Bull' or otherwise cause a consumer to behave – or justify behaviour – in the manner shown. It is in our view therefore a gross exaggeration of what is in fact depicted to suggest that the picnic man was 'assaulted' and that the little old lady is about to be 'assaulted'.*

*In short, it is our view that the TVC does not portray what ordinary members of the community would regard as 'violence' at all. It certainly does not depict conduct that would 'encourage, condone or glamorise assaults on innocent people'. Rather, the TVC is a clear and unambiguous use of slapstick comedy and it does not offend the prevailing community standard as to "violence" and its depiction in advertising.*

*2.2 Section 2.2 application of the AANA Code*

*For all the above reasons, Hungry Jack's and Clemenger BBDO submit that the TVC does not present or portray violence or offend the prevailing community standard as to "violence" and its depiction in advertising. The TVC therefore does not breach section 2.2 of the AANA Code.*

*For the sake of completeness Hungry Jack's and Clemenger BBDO submit that the TVC also otherwise complies with all aspects of the AANA Code, and the AANA Food and Beverages Code, (together the Food Codes) and is in accordance with prevailing community standards.*

*2.3 Summary*

*In producing the TVC Hungry Jack's and its agency, Clemenger BBDO, have taken every care to ensure that it complies strictly with the AANA and the Food Codes. We ensure that all of our advertisements are respectful to the community and the people in them, particularly given that they are ultimately our customers. There is no breach of the AANA or Food Codes and we 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 shows dangerous and violent scenes that may be copied by children.

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

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code 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 advertisement features a man pretending to turn into a bull after eating a Hungry Jacks Angus beef burger and seeing items that are red ie: a red blanket and an older lady wearing a red jacket.

The Board considered that the advertisement shows unrealistic and exaggerated scenes that were intended to be humorous and lighthearted. The Board considered that most members of the community would not consider the advertisement to be a real life situation or behaviour that would be mimicked and noted that the depiction of the consequence of the man charging the other man is much exaggerated.

The Board noted that, although the advertisement suggests that the young man is about to charge the older woman, the man does not attack or approach the older woman. The Board considered that although there is a suggestion that the man is about to charge the older woman, the suggestion is clearly meant to be humorous and is not actually carried through.

Overall the Board considered that the fanciful and exaggerated context of the advertisement minimised any suggestion of violence and did not give rise to an impression of mimic able or justified attacks on other people.

The Board considered that the level of violence depicted is justifiable in the context of the product being advertised and did not breach section 2.2 of the Code.

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

