



Case Report

1	Case Number	0158/16
2	Advertiser	Grill'd
3	Product	Food / Beverages
4	Type of Advertisement / media	Poster
5	Date of Determination	13/04/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This advertisement is in Grill'd stores and features an image of a schnitzel burger and the text, "The Good ScHnITzel" The letters S H I and T in the word schnitzel are highlighted so they stand out. There is a poster featuring this advertisement and a hanging menu board.

THE COMPLAINT

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

It says "SHIT" on it in big letters in a public area.

I actually went back to the original Doncaster foodcourt store yesterday (20 March 2016), and not only is the original small poster still there but they've added two giant ones. The CBD restaurant (which is at least slightly less public than a food court) has it on printed menus, on the light up menu board, they've clearly gone all in on their Shitburger campaign.

THE ADVERTISER'S RESPONSE

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

A description of the Advertisement;

1. *A0 Poster, which is a poster promoting the range of products and within our restaurants.*
2. *Menu Boards, which hang above our Till points and communicate items we sell.*

Response

- *The attached material promotes a Chicken Schnitzel range. They are internal posters within Grill'd restaurants and we do not believe it is overtly offensive and we have received (excluding this example) not a single complaint for our 1000s of customers we serve each week. All Advertising outside of premises was removed (as previously explained) months ago.*

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 language which is not appropriate for public display.

The Board noted the complainant's concern over the Grill'd menus which also contain the same wording as the poster advertisements and considered that menus fall outside the definition of advertising and marketing communication.

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

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "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".

The Board noted that this poster advertisement features an image of a schnitzel burger with the letters, S H I and T in bold black writing so they stand out. The Board noted the complainant had provided two images of the poster on display in a food court area: one poster is on a wall near the Grill'd counter, the second is hanging from the wall above the Grill'd counter.

The Board noted the complainant's concern that the advertisement is in a public area and the word, "SHIT" is in big letters. The Board noted that on the proof copy of the advertisement the word, schnitzel is spelled out clearly, however in the context of viewing the poster at a distance only the bold letters are obvious.

The Board noted it had previously dismissed the use of the word, 'shit' in an outdoor poster in case 0064/15 where:

“The Board considered that in the context of a theatre promotion with limited distribution the use of the word ‘shit’ as part of the tour’s name is not inappropriate and is consistent with common Australian colloquial usage of such a word.”

In the current advertisement the Board noted that the word, ‘shit’ has no relevance to the advertised product other than the highlighted letters are contained within the word, ‘schnitzel’. The Board noted that the letters within the word schnitzel have been made to deliberately stand out and spell the word, ‘SHIT’ and considered that when viewed from a distance it is only the word, ‘SHIT’ which can be easily read. The Board acknowledged that the word, ‘shit’ is part of the common Australian vernacular and most people would not find the word to be strong or obscene. The Board noted however that the use of the word, ‘SHIT’ in this instance has no relevance to the advertised product and considered that its prominent display within areas popular with families amounts to a depiction of language which is not appropriate in the circumstances.

The Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I have now advised all restaurants to remove:

- The Good Schnitzel A1/A0 Posters
- Menu Boards

I have asked the restaurants to do this today – 10 May 2016.