



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

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| 1. Case Number : | 0220-20 |
| 2. Advertiser : | Menulog |
| 3. Product : | Food/Bev Venue |
| 4. Type of Advertisement/Media : | TV - Free to Air |
| 5. Date of Determination | 22-Jul-2020 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.0 Other
AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

There are three versions of this television advertisement which styled as a music video and features the rapper Snoop Dogg.

The 15 second version features the lyrics:

"Get delivery like a G

See

Hungry dogg gotta eat

I get mine every day, every week.

Chicken wings to the crib I'm sitting in.

M.E.N.U.L.O.G.

Did somebody say Menulog?"

The 15 second version of the advertisement features:

- Black and white footage of Snoop Dogg sitting on a motor cycle
- Snoop Dogg at the front door of a home holding a Menulog delivery bag, knocking on the door and looking into the camera
- Snoop Dogg wearing a colourful jacket in front of a purple background

The 30 second version features the lyrics:

"Did somebody say Menulog?

Me



Get delivery like a G
See
Hungry dogg gotta eat
I get mine every day, every week.
Did somebody say Menulog?

Me
Get delivery like a G
See
Hungry dogg gotta eat
I get mine every day, every week.

M.E.N.U.L.O.G
Did somebody say Menulog?"

The 30 second version of the advertisement features:

- Black and white footage of Snoop Dogg sitting on a motor cycle
- Black and white footage of Snoop Dogg rapping with two female dancers behind him
- Dancers on a stage with Snoop Dogg rapping into a microphone
- A woman being thrown into the air from a giant inflatable burger
- Snoop Dogg sitting at a large dining table with three other people and a dog
- Snoop Dogg sitting on a large bed inside a private jet being handed a drink by a woman, a man in a Menulog uniform is seen outside the plane window holding up a delivery bag in his hand
- Snoop Dogg sitting in a large clam shell with two women seated to his left, one of the women is eating sushi.

The 60 second version features the lyrics:

"Sick of this! Get Menulog on the line. We're gonna do this Doggy-style.

Did somebody say Menulog?

Me

Get delivery like a G

See

Hungry dogg gotta eat

I get mine every day, every week.

Chicken wings to the crib I'm sitting in

Burger in the LoLow, hope they put the pickle in! Wanton on a catamaran

Oodles of noodles

Thank you my man!

Tacos to the chateau, please

Did somebody say Menulog

Private Jettin' in the night sky

My man hang glide by with my fried rice [Riiiiight]

What could you not love?

'Bout a slice on the side of the hot tub? Ooh

Honolulu whatcha gon do boo? Chocolate fondue right on cue

Even dipping in the sea

I see food, seafood sees me! M.E.N.U.L.O.G

Did somebody say Menulog?"



The 60 second version of the advertisement features:

- Snoop dogg having his hair styled by a woman in a room with his friends, a TV and trophy cabinets
- Black and white footage of Snoop Dogg sitting on a motor cycle
- Black and white footage of Snoop Dogg rapping with two female dancers behind him
- Dancers on a stage with Snoop Dogg rapping into a microphone
- A woman being thrown into the air from a giant inflatable burger
- Snoop Dogg and a friend in an editing room watching footage of himself and eating noodles
- Snoop Dogg sitting at a large dining table with three other people and a dog
- Snoop Dogg sitting on a large bed inside a private jet being handed a drink by a woman, a man in a Menulog uniform is seen outside the plane window holding up a delivery bag in his hand
- Snoop Dogg sitting in a hot tub with an animated slice of pizza beside him
- Snoop Dogg sitting on a stack of waffles with chocolate sauce holding a basket-ball sized berry
- Snoop Dogg at the front door of a home holding a Menulog delivery bag, knocking on the door and looking into the camera
- Snoop Dogg sitting in a large clam shell with two women seated to his left, one of the women is eating sushi

THE COMPLAINT

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

Racial bias advert demonstrating racial exclusivity and apparent racial preference by Snoop Dog. Additionally the advert shows an Indian man attempting to make a food delivery to an aircraft inflight, he is shown outside the planes' widow in distress. The Indian delivery man appears to be ignored and the advert attempts to make fun of his suggested racial and financial inequality.

I think that the advertisement is highly suggestive and extremely inappropriate for TV. Snoop Dog has directed pornography and starred and produced 'Diary of a Pimp'. This advertisement is sexualised - including the lyrics, we're going to do this doggy style. As he sits on a bed with 2 women draped around him I believe this sexual innuendo and objectification is in breach of free to air advertising standards. This ad should not be on TV!

Racist advert with only black people and one white person not included in the festivities - locked out looking through a window. Very racist to whites

The ad is sleazy depicting the rapper lounging around on a bed with several girls, almost as if they were hired girls of the night.....to put it politely....not to mention being very sexist.Get rid of it!!!!



This ad has an all black actors and is offensive

What message are we giving our kids - convicted on arms and drug possession. His rap music employs disgusting language and degrades woman.

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 communication detailing complaints against Menulog's current advertising campaign featuring entertainment icon, Snoop Dogg.

Menulog takes its corporate responsibility very seriously, which includes content and messaging conveyed across all marketing / advertising. We pride ourselves on being a diverse and inclusive business.

We note the below complaints received to date all reference the current Menulog television commercial featuring Snoop Dogg:

- 1. Racial bias advert demonstrating racial exclusivity and apparent racial preference by Snoop Dog. Additionally the advert shows an Indian man attempting to make a food delivery to an aircraft inflight, he is shown outside the planes' widow in distress. The Indian delivery man appears to be ignored and the advert attempts to make fun of his suggested racial and financial inequality.*
- 2. produced 'Diary of a Pimp'. This advertisement is sexualised - including the lyrics, we're going to do this doggy style. As he sits on a bed with 2 women draped around him I believe this sexual innuendo and objectification is in breach of free to air advertising standards. This ad should not be on TV!*
- 3. I feel obliged to register an observation with regard to the latest/current 'Menulog' advertisement appearing on commercial TV stations on the grounds of a lack of racial diversity. Specifically, I note the casting of only a single, or in this instance what appears to be a 'pale blue' face, in the whole advertisement. In the current climate I feel that this could be construed as being divisive and lacking in inclusivity.*
- 4. This ad is racist as it only has African Americans in it.*

We also note the issues raised under Section 2 of the AANA Advertiser Code of Ethics:

AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N - general

AANA Code of Ethics\2.2 Exploitative or Degrading\Exploitative - women

AANA Code of Ethics\2.1 Discrimination or Vilification\Race



While Menulog takes these issues raised seriously, we firmly believe we have complied with all sections of the AANA Advertiser Code of Ethics, including all items listed in Section 2 of the code. Furthermore, all versions of the Menulog TVC featuring Snoop Dogg has received ClearAds approval.

Please see below further rationale, specifically directed at issues raised, as to how Menulog complies with the Code.

AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N - general

Menulog is a food delivery platform and the purpose of this advertising is to encourage viewers to consider ordering food from Menulog in a humorous and hyperbolic fashion. You will note from the description and links to advertisements below that the creative displayed highly exaggerated and overstated to a) make it enjoyable and entertaining to watch b) bring some humour to Australian audiences and c) align with the public perception of the main character in the TVC - Snoop Dogg, who is one of the world's most recognised music stars and a larger than life entertainment personality.

The style of the TVC mimics an American-style music video in order to align with the talent used and to 'revamp' the old version of the Menulog jingle for a broader audience.

Menulog launched the first iteration of 'Did Somebody Say Menulog' last year. The original jingle proved to be polarising - some people loved it, some people hated it and some people loved to hate it. As such, we engaged Snoop Dogg to make a new track that everyone would love - and overwhelming positive customer feedback tells us that Australians do.

We note that the complain regarding sex/sexuality references Snoop Dogg's work history and that he has "directed and produced pornography". This element of Snoop Dogg's background was not a consideration in selecting him as the star of the Menulog TVC, instead that he is a highly recognised entertainment icon that has a direct link to food and cooking, having produced his own cookbook with well-known cooking personality, Martha Stewart.

Furthermore, none of this background (including Snoop Dogg's working history) is referenced at all in Menulog advertising, marketing or PR materials. Snoop Dogg's sole role in Menulog advertising is to create a new, catchy jingle that people will enjoy listening to.

We also note feedback in the complaint that the advertisement is 'sexualised - including lyrics, we're going to do this doggy style'. This reference is to Snoop Dogg's name and the pun is that he is very well known for his unique style of rap music - which he uses to makeover the Menulog jingle. This line is a tongue in cheek reference to talent.



Visuals throughout the ad do not show “two women draped over Snoop Dogg”. Please refer to the links to the digital version of the TVC included.

To summarise, Snoop was engaged for his entertainment expertise to create a humorous, lighthearted and enjoyable new song for Menulog, which encourages Australians to consider Menulog when ordering food. The ad is hyperbolic to match the talent selected and make it enjoyable to watch and while the theme does mimic an American style music video, it is not ‘sexualised’ and as such, does not breach this section of the Code.

AANA Code of Ethics\2.2 Exploitative or Degrading\Exploitative - women

Once again, we note the feedback of concern regarding “two women draped over Snoop Dogg”. This does not appear in the TVC - please refer to the links to the digital version of the TVC included.

With regards to the representation of women throughout the TVC, once again the theme of this mimics an American-style rap music video, specifically Snoop’s previous work. The aim is to create a ‘mock’ rap video to highlight that the Menulog jingle has been refreshed in a modern, enjoyable and entertaining way. The clip features both male and female dancers and does not display any scenes where women are portrayed in a negative way.

As such, we are confident that Menulog is also compliant with Section 2.2 of the Code.

AANA Code of Ethics\2.1 Discrimination or Vilification\Race

The Menulog business, as well as our global network, Just Eat Takeaway.com, is an inclusive and diverse community. We have ongoing programs in place to ensure these values permeate throughout our entire organisation, including our interactions with external stakeholders, including restaurant partners and couriers, as well as the broader community, which extends to our marketing and advertising activity.

We note several pieces of feedback regarding the advertisement “only featuring African Americans”. Casting for this campaign was managed globally by Just Eat Group through a film production company. At no stage of the process did Just Eat (or Menulog) mandate what race or skin colour was required for the TVC. The film production company was responsible for casting and their challenge was to create an authentic ‘Snoop Dogg-style’ music video that focussed on the variety of food that is on offer for delivery. Upon review of Snoop Dogg’s previous work, the film production company and Just Eat Group produced this TVC, which we believe is authentic and true to Snoop Dogg’s work, whilst being enjoyable for audiences all over the world.

It’s also important to note that versions of this TVC will play in a number of markets, including the UK, France, Italy and more. It will play to a highly diverse range of audiences and as such, the focus was on creating an authentic music video that would appeal to this broad range of people and not to create a casting mix that would speak



to one particular race more than another. There was none of this thinking or any ploy behind the cast selected.

Just Eat Group reviewed the cast that was suggested by our production partner and were happy with all the people that they had put forward. They did not discount or change any members of the suggested cast at all. It is worth noting that neither Menulog or its broader Group, now Just Eat Takeaway.com, would ever make casting choices based on the colour of someone's skin.

We also note the reference made to the "Indian man" outside of the plane in one scene and the feedback that he is "in distress" and "not included".

Firstly, this is a highly hyperbolic scene that matches the lyrics "my man hang glides by with my fried rice". Snoop actually references this character as "my man" indicating inclusion however this scene is clearly meant to be a humorous and highly exaggerated "delivery", nodding to Snoop Dogg's well-known extravagant lifestyle. This is clearly not a realistic scene (like most elements of the video, as intended) as a food delivery to an aeroplane is not physically possible.

With regards to the race of this man, he is fully equipped in delivery gear and you cannot actually judge what race this man is. No where in the advertisement does it "make fun of his suggested racial and financial inequality" - this character actually only appears on screen for a second for the pure purpose of conveying a humorous style of delivery to Snoop Dogg's jet.

Menulog also notes the other elements of Section Two of the Code, where we are compliant:

2.3 – Violence

Section Description

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

2.5 – Language

Section Description

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 DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- Features Snoop Dogg who is convicted criminal



- Features an Indian man attempting to make a food delivery in distress and the advertisement makes fun of his suggested racial and financial inequality
- Depicts one white person locked out and looking in through a window which is racist to white people
- Demonstrates racial exclusivity and apparent racial preference by Snoop Dogg
- Is sexist
- Features a scene where Snoop Dogg sits on a bed with two women draped around him.
- Objectifies women
- Is inappropriately sexualised
- Uses the phrase 'doggy style' which is inappropriate.

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

The Panel noted the complainants' concerns that the advertisement features the performer Snoop Dogg who is a convicted criminal.

The Panel noted that it had previously considered the issue of a particular personality being used in an advertisement in case 0026-18, in which:

"The Board noted the public concern around this issue however considered that advertisers are free to use whoever they wish in advertisements and that this is not a matter which falls within Section 2 of the Code unless the use of the person is in some way depicting a breach of the Code. The Board considered the depiction of Mr Tyson and noted that his history was not mentioned in the advertisement and that not all viewers would be aware of who he was. The Board noted that his appearance with the tiger is a reference to his character in a movie. The Board considered that the advertisement did not reference or condone his criminal history, and that his depiction in the advertisement was not a depiction that breached a provision of the Code."

In the current case, the Panel considered that the advertisement did not reference or condone his criminal history. Consistent with the previous determination, the Panel considered that the inclusion of Snoop Dogg in the advertisement was not a depiction which breached any provision of the Code.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the complainants' concerns that the advertisement:



- Features an Indian man attempting to make a food delivery in distress and the advertisement makes fun of his suggested racial and financial inequality
- Depicts one white person locked out and looking in through a window which is racist to white people

The Panel noted the scene where a delivery person was seen outside of an aeroplane window which appears in both the 60 and 30 second versions of the advertisement.

The Panel noted the advertiser's response that you cannot determine what the race of the man is in the advertisement, and that Snoop refers to him as 'my man' indicating inclusion.

The Panel considered that the man was only seen outside of the window for two seconds. The Panel noted that the man appears in a comedic manner as he is attempting to deliver food to a moving jet. The Panel considered that the man's race is not identifiable from his appearance or the way he is referenced in the advertisement. The Panel considered that the man outside was shown in a comedic manner, but was not ridiculed or humiliated. The Panel considered that the advertisement did not show the man to be receiving unfair or less favourable treatment because of his (indetermined) race, rather he was humorously portraying an unrealistic method of food delivery. The Panel considered that the advertisement did not discriminate against or vilify the man outside the window.

The Panel noted the complainants' concern that the advertisement demonstrates racial exclusivity and apparent racial preference by Snoop Dogg.

The Panel noted the advertiser's response that casting choices had been made to be consistent with a Snoop Dogg style music video.

The Panel noted that it had previously considered the issue of lack of cultural diversity in advertisement is case 0514-16, in which:

"The Board noted that while diversity in advertisements is desirable, there is no obligation for advertisers to use diversity in advertisements, and that a lack of cultural diversity does not in itself constitute discrimination or vilification."

In the current advertisement, the Panel considered that the use of actors of mainly African descent did not in itself constitute discrimination or vilification of other races.

The Panel noted the complainants' concern that the advertisement is sexist.

The Panel noted the advertiser's response that the theme of the advertisement mimics an American Style rap video and does not display any scenes where women are portrayed in a negative way.

The Panel noted that the 15 second version of the advertisement featured only Snoop Dogg and did not have any women in it.



The Panel noted that both the 30 and 60 second versions of the advertisement featured scenes with women.

The Panel considered that the advertisement was highly stylised to look like a music video. The Panel considered that many of the women appearing in the background were shown in active roles, such as backup dancers, and were not portrayed in a manner which showed them to receive unfair or less favourable treatment.

The Panel noted the complainant's concern that the advertisement depicted a scene where Snoop Dogg was sitting in a bed with two women draped around him.

The Panel noted the advertiser's response that this does not appear in the advertisement.

The Panel noted that there is not a scene in any of the three television advertisements which matches the complainant's description. The Panel noted that both the 30 second and 60 second versions of the advertisement feature a scene where Snoop Dogg is seated in an oversized clam shell with two women seated to his left. One of the women is eating sushi and the other is dancing. The Panel considered that these women are not touching or interacting with Snoop Dogg, except for dancing to his music. The Panel considered that the depiction of the woman eating sushi is relevant to the product being promoted and the lyrics relating to seafood.

The Panel considered that the women portrayed in this scene, and the advertisement as a whole, are shown in active roles consistent with being in the background of a music video and are not portrayed in a manner which shows them to receive unfair or less favourable treatment or which humiliates, intimidates, incites hatred, contempt or ridicule towards the women or women in general.

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

The Panel 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 should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.



The Panel noted the complainant's concern that the advertisement objectifies women.

The Panel noted the advertiser's response that the advertisement features both male and female dancers and does not include any scenes where women are portrayed in a negative way.

The Panel considered whether the advertisement contained sexual appeal.

The Panel noted that the 15 second version of the advertisement featured only Snoop Dogg, posing with a motorcycle, delivering food to a door and rapping. The Panel considered that his actions are not sexualised and that the 15 second version of the advertisement does not contain sexual appeal.

The Panel considered that both the 30 and 60 second versions of the advertisement feature women in the background of the various music-video style scenes. The Panel noted that all the women are dressed appropriately and that there is no focus on their bodies. The Panel considered that the women are shown in active roles such as a hair stylist, back up dancer, dinner guest or flight attendant. The Panel considered that the women are not sexualised and there is no sexual references made towards them. The Panel considered that the advertisement did not employ sexual appeal.

Finding that the advertisement did not employ sexual appeal the Panel determined that the advertisement did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainants' concerns that the advertisement:

- Is inappropriately sexualised
- Uses the phrase 'doggy style' which is inappropriate.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the 15 and 30 second versions of the advertisement do not contain sexual intercourse or sexually stimulating or suggestive behaviour.

The Panel considered that the 60 second version of the advertisement features the phrase 'doggy style' which is commonly understood by adults to be a sexual position.



The Panel considered that this may be considered a reference to sexual intercourse and therefore the advertisement contained sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the female dancers in the 30 and 60 second versions of the advertisement were shown in active roles consistent with the music-video style of the advertisement and were not shown in a sexualised manner.

The Panel considered that the 15 and 30 second versions of the advertisement did not contain a recognition or emphasis of sexual matters and did not contain sexuality.

The Panel noted that the phrase 'doggy style' used in the 60 second version of the advertisement and considered that 'doggy style' is a commonly accepted reference to a sexual position and could be considered a recognition or emphasis of sexual matters. The Panel considered that the 60 second version of the advertisement contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel considered that all the men and women in the backgrounds of the 30 and 60 second versions of the advertisements were shown as fully clothed and dressed. The Panel considered that Snoop Dogg was shown to be fully clothed in all three versions of the advertisement, including in the hot-tub scene in the 60 second version. The Panel considered that the advertisement did not contain nudity.

The Panel considered that the 15 and 30 second versions of the advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

The Panel then considered whether in the 60 second version of the advertisement the issue of sexuality was treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)



The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this advertisement had been given a 'W' rating by ClearAds meaning that the advertisement, 'may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in G programs principally directed to children.'

The Panel considered that the relevant audience would likely be broad and include children.

The Panel considered that the phrase 'doggy style' is a phrase many adults would recognise to be a reference to a sexual position. The Panel considered however, in this advertisement the phrase was not used in a sexual way nor with any sexual connotation in its reference and was instead used as a reference to the rapper's name 'Snoop Dogg'. The Panel considered that the interpretation that the words 'doggy style' were a reference to the rapper's unique style and persona, was the most reasonable interpretation that would be understood by children and most adults.

The Panel acknowledged that not everyone who viewed the advertisement would be aware of who Snoop Dogg is or that 'doggy style' is a reference to his name, however considered that it was clear in the context of the advertisement that this phrase was not a reference to a sexual position. The Panel considered that children viewing the advertisement would not understand the sexualised meaning of the double entendre even if they did not know who Snoop Dogg was.

The Panel considered that the 60 second version of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.