



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0232-20
2. Advertiser :	Menulog
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	12-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

There are three versions of this TV-on-demand 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! Wonton 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:

I felt it not appropriate to advertise this Rapper, when all he was singing about was the Menu Log and how he liked to order his meals whilst doing it doggy style, and kept grabbing his private parts.

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.

As you are aware, Menulog previously received notification of complaints (Case Number 0220-20), to which we provided a response to. On Thursday 23 July 2020, we received notification that all complaints had been dismissed following a review of this response.



The complaints referenced in the previous case (number 0220-20) were 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*

Each of these issues were addressed and complaints were subsequently dismissed.

In our previous response, we also provided commentary on how Menulog has taken care to ensure it meets requirements of the full AANA Code of Ethics.

We note the new complaint made as part of this new case raises issues under:

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

We also note the details of the complaint against the Menulog TVC, which aired on On-Demand TV:

I felt it not appropriate to advertise this Rapper, when all he was singing about was the Menu Log and how he liked to order his meals whilst doing it doggy style, and kept grabbing his private parts.

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 sections of the code referenced:

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 feedback in the complaint from the viewer that references one of Snoop Dogg’s opening lines “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 Snoop Dogg “grabbing his private parts”. 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.

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 complainant’s concerns that the advertisement references “doggy style” and that the rapper depicted grabs his private parts repeatedly.

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

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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the complainant’s concern that the advertisement depicts the main rapper Snoop Dogg grabbing his private parts repeatedly. The Panel considered that this scene does not occur in any versions of the advertisement. The Panel noted that the man’s hand is placed over his groin at several points in the advertisement, but considered that this is a natural placement and he does not make a grabbing motion.

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 it had previously considered this advertisement on Free-to-Air television in case O220-20 in which:

"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 audience of On-Demand television would be a narrower audience than Free-to-Air television. Consistent with the previous determination, 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 complaint.