



Case Report

1	Case Number	0242/12
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	27/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

Radio commercial with two young men discussing getting to McDonald's before the flavours of the games range runs out. We hear the sound of an engine revving and the driver admits he has only had his driver's license for 12 minutes.

THE COMPLAINT

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

Two males are talking to each other; one asks how long the other has had his licence the other answers 12 minutes. They talk about the products and state they must "step on it" to get to McDonalds as quickly as possible while they are talking there is the sound of a car\motorbike revving its engine. I feel this is sending the wrong message to young people about safe driving and telling them it is ok to speed. I am the mother of a young man killed by a speeding driver and I found it highly offensive.

THE ADVERTISER'S RESPONSE

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

We thank the Advertising Standards Bureau (ASB) for the opportunity to provide a response to complaint number 0242 of 2012 (Complaint).

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

We do not consider that the Ad sends out a negative message to young people about safe driving. Further, we do not believe that the Ad is in breach of clause 2.6 of the AANA Code of Ethics (Code).

The Ad is part of a series of light-hearted radio and television commercials which promote a range of McDonald's products available for sale as part of an Olympics promotion. This specific product range is available for a limited time only.

The two characters appearing in each of the commercials are young men who banter with each other in a playful and clearly sarcastic manner. There was no intention to portray dangerous or unsafe driving practices in the Ad and we believe that it would be taking the Ad out of context to conclude that there is a breach of the Code.

We are sympathetic to the complainant's sensitivity to driving related advertising content given the tragic loss of her son. However, it is our view that a common sense approach should be adopted by the ASB in reviewing this complaint and we request that the complaint be dismissed.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted complainant's concerns that the advertisement depicts and condones speeding.

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

The Board considered whether the advertisement was in breach of 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 this radio advertisement features two young men discussing how quickly they can get to McDonald's before the new Olympic Games range runs out.

The Board noted that it is clear that the two men are in a car and that the driver states he only passed his test 12 minutes ago however the Board considered that the discussion about getting to McDonald's quickly is not of itself suggestive of speeding or driving recklessly. The Board noted the phrases, "step on it" and "race in now" are heard towards the end of the advertisement but that these are not accompanied by any sounds that make it, in the Board's view, strongly suggestive of speeding or unsafe driving. The Board considered the suggestion is most likely to be understood as a reference to getting to MacDonal'd's before the special product availability ends.

The Board noted the complainant's concern that you can hear the sound of the car revving its engine. The Board noted that a very brief sound of a car braking and coming to a stop can be heard and considered that this was a mild suggestion of speed. The Board considered that the sound effect of the engine is used to further convey that the men are in a car and that the revving is not excessive or suggestive of driving in excess of the speed limit. The Board considered that the advertisement does not depict or condone speeding and does not depict material contrary to prevailing community standards on safe driving.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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 complaint.