



Case Report

1	Case Number	0244/11
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Other

2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

Two young men are sitting at a table in a McDonald's restaurant about to enjoy a "Mates Meal". Upon opening the Mates Meal Box, the first man whistles appreciatively at the contents. Unfortunately, as the camera pans around, we see he has whistled at an inopportune time, as a young woman has just walked past with her boyfriend and they stare back at him as if to say "what are you whistling at?".

Hoping to clarify to them the reason for his whistle, he re-enacts opening the Mates Meal Box and again whistles in awe - realising that they are still staring at him like he is mad, he gestures and whistles with the box again. Realising he is in strife, his mate joins in with the gesturing and whistling, try and convince the young woman and her boyfriend that the whistle was directed at the Mates Meal and not at her.

We cut to a scenes showing the product range, and end with a shot of our guy's mate offering some fries in a gesture of goodwill to the lady and her boyfriend.

THE COMPLAINT

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

I object on two levels.

The perpetuation of social stigmatisation eg of "nerdy looking guys" .

But my main issue with this ad is the promotion of bullying and intimidation by the couple towards the innocent guys in the ad.

I think McDonalds would do well to open their eyes to promotional effect of their ad on current bullying levels being experienced by our kids.

I object to the overall inference that this one man purely because he enters a restaurant or any eatery with a supposed 'hot' female companion automatically makes it 'normal' & 'right' for him to be able to subject other diners to bullying and intimidation. The fact that the other 2 young men are supposed 'geeks' is I assume OK for them to be bullied.

Advertisers of this marketing campaign rather than trying to achieve a smart add about a 'value meal' have simply used stereotypes of 'hot guy/girl' vs 'geek/nerd's'. I just don't believe it to be right - especially with all the anti-bullying campaigns being run as well as the senseless random acts of violence towards others that adds that condone intimidation and bullying (especially from companies such as McDonalds that purports to be 'family friendly' should perpetuate bullying in any form.

THE ADVERTISER'S RESPONSE

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

First, we thank the ASB for the opportunity to provide a formal response to this complaint. At the outset, we believe this complaint should be dismissed as this advertisement is clearly inoffensive and not in breach of any of the regulatory codes. Contrary to the complainant's statement, it does not involve any themes of bullying, harassment or violence. McDonald's does not condone bullying, harassment or violence.

The commercial is intended to be a light-hearted and humorous sketch that (a) highlights the great value in the Mates Meal box (hence the whistle in awe), and (b) plays on the "mates" concept, with one character "backing up" his mate who is in strife for a badly timed whistle. There was certainly no intention to portray the two young men in the advertisement as "geeks" or "nerds" (using the language of the complainant), in fact the script describes them as "a couple of young businessmen". Other than the fact that one of them is wearing glasses, we cannot see any implication that they are in any way intended to be seen as weaker or as victims of bullying at all. They are just a couple of mates having lunch.

The complainant's central concern is that he or she believes that the boyfriend character demonstrates bullying behaviour to the mates eating lunch. The National Centre Against Bullying defines bullying as follows: "Bullying is when someone (or a group of people) with more power than you, repeatedly and intentionally uses negative words and/or actions against you, which causes you distress and risks your wellbeing". Clearly, in this situation there is no display of bullying behaviour - the boyfriend character is glaring at the whistling man because he believes that he has just whistled at his girlfriend, and not on account of his being "more powerful" or because the man is a "geek" or "nerd".

Having considered clause 2.2 of the AANA Code of Ethics, we are of the firm opinion there is no breach as the commercial does not feature violence in any form.

Having considered the remainder of the applicable advertising codes of practice, and in particular Section 2 of the Code, we believe this commercial is code compliant in every respect.

Accordingly, we respectfully submit that this complaint should 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 complainants' concerns that the advertisement depicts men as nerdy, and condones bullying and intimidation.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the advertisement features two young men sitting in the restaurant and seemingly whistling at a female as she enters the establishment with her boyfriend.

The Board considered that the depiction of the two men sharing the meal is not a strong suggestion of any particular type of person or man. The Board considered that the overall tone is confusion and humour and that there is no demeaning depiction of any section of society.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then noted Section 2.2 of the Code which requires that 'advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.'

The Board noted the advertiser's response that the intent of the advertisement was to be lighthearted and humorous. The Board noted that the boyfriend character does not display any actions that are violent or malicious towards the two men and is looking intensely at them as he believes that one of them has just whistled at his girlfriend.

The Board considered that all of the characters look somewhat confused and awkward in attempting to clarify what has actually happened but that there is no bullying evident.

The Board determined that the advertisement did not breach Section 2.2 of the Code as it does not depict or condone bullying and or harassment.

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

