



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0257/18
2	Advertiser	McDonald's Aust Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man (the father) hammering a nail into a go-kart. The child (the son) jumps into the scene, surprising the father which results in the father hammering his finger. After the father screams, there is a bleep and then the father puts money into his swear jar. In the next scene, the father and his son are at a McDonald's restaurant counter ordering McDonald's products.

THE COMPLAINT

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

This ad needs removing immediately

Children and parents may see this as acceptable which it is far from!

Remove the ad and tell McDonald's to lift their ethics please

I'm offended that he is swearing in front of a Child regardless of whether he does or not, it's implied. I am also offended that they are buying a reward or treat from the proceeds of swearing. This is sending a message to children that you are rewarded for bad behaviour. Not acceptable!



THE ADVERTISER'S RESPONSE

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

Thank you for requesting a response to complaint number 0257/18 (Complaint).

The Complaint refers to an advertisement as part of the McDonald's loose change menu campaign (Advertisement). The Complaint is made under section 2.5 of the AANA Code of Ethics (AANA Code).

The Advertisement does not breach the Code as the language used is appropriate for the circumstances. It is important to view the Advertisement in the context of the purpose and scenario in the Advertisement. The purpose of this campaign is to emphasise that loose change, however collected, can be used to buy McDonald's products. In this Advertisement, the father has injured himself. As is the most common reaction when children injure themselves to cry, the most common reaction when adults injure themselves is to swear. A swear jar is a device to help discourage adults from swearing by collecting a 'fine'. The accumulated money may be used for some agreed-upon purpose, and in this case that purpose is to enjoy the McDonald's loose change menu. Since this is a method for adults, and a concept that adults will understand more than children, it is clear that the Advertisement was not directed to children. It is not common for a child to have loose change.

Obscene language was not used on shoot in front of the child actor. Whilst in production, the adult actor was directed to say random words to cover the length of the bleep. Nonetheless, any inferred use of obscene language has been censored in accordance with Commercials Advice Department (CAD) requirements and received appropriate classification to use the content. As the "bleep" sounds covers the whole word, and does not give the audience an idea as to what the swear word might have been, this gives parents the opportunity to clarify their children's impressions of the Advertisement. Besides this, the Advertisement was filmed in a safe and controlled environment which included an on-set first aid officer and safety officer. The father in the Advertisement is also wearing appropriate personal protective equipment and is not behaving carelessly.

As much as humour is subjective, so too is the variance of morals and beliefs in society. We appreciate that our humour and that our Advertisement may not appeal to everyone. Nonetheless, the Advertisement complies with the Codes and so the Complaint should be dismissed. We have considered other matters under section 2 of the AANA Code of Ethics and submit that the Advertisement does not breach any of the other matters covered by that section.

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’ concern that the advertisement implies that using explicit language in front of children is okay.

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

The Panel 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 Panel noted that this television advertisement opens on a man (the father) hammering a nail into a go-kart. The child (the son) jumps into the scene, surprising the father which results in the father hammering his finger. After the father screams, there is a bleep and then the father puts money into his swear jar. In the next scene, the father and his son are at a McDonald’s restaurant counter ordering McDonald’s products.

The Panel noted the complainants’ concern that the advertisement implies that using explicit language in front of a child is acceptable.

The Panel noted it had previously considered a radio ad for Total Tools for a similar issue in case 0491/17, in which:

“The Board noted...it is not clear what word the beep is replacing and considered that there are a number of words which could be used. The Board acknowledged that the use of beeping sounds over an audio is a common broadcasting protocol used to ensure any inappropriate language is inaudible, even though it may be implied and considered that in this instance it is not clear whether the word being replaced would be inappropriate or not. The Board noted that the overall tone of the advertisement is designed to appeal to the target audience of male tool buying consumers and considered that the content of the advertisement is not inappropriate in this context, especially as the beeped out word is not audible. The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.”

Consistent with this previous determination, the Panel noted that based on the absence of audible, offensive language the wording used in the advertisement is unlikely to be considered strong or obscene by most members of the community.



The Panel also noted the use of an implied swear word in an advertisement that children would see and the reward of the child. The Panel considered the advertisement depicted the concept of a swear jar, and a father and son spending the contents together. The Panel considered the use of suggested bad language was not inappropriate in context of the father injuring himself.

The Panel considered that the advertisement did not use strong or obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

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

