



Case Report

1	Case Number	0291/10
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

A man walks into a darkened room drinking from a McDonald's cup. In the background you can hear football commentary, and you can see light flickering from a TV screen.

The man looks at something in the room, smiles then takes a noisy slurp of his drink. The camera pans round to show he is looking at his 2 male friends who have fallen asleep on the sofa - they are curled up together, with one leaning on the other.

The noise awakens one of the men who sits up very suddenly when he realises he is leaning on his friend. He moves over and the man with the cup comes and sits between the 2 men on the sofa. He passes a McDonald's bag to the awake friend whilst smirking at him.

A male voiceover states that McDonald's are proud to sponsor the FIFA world cup and that many of their restaurants are open 24 hours.

The man with the cup is then shown smirking again at his friend then the ad finishes.

THE COMPLAINT

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

The advertisement is at a fundamental level homophobic. It says that inadvertant physical contact between two men is not something that could be considered normal and is something that is to be ridiculed by everyday society.

THE ADVERTISER'S RESPONSE

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

First, McDonald's strongly disagrees that the story portrayed by this television commercial is homophobic. It is not. Homophobia refers to an irrational fear of, or aversion to, homosexuals. Further, the television commercial does not discriminate or vilify any person or section of the community on account of sexual preference. Discriminatory attitudes or behaviour are not in keeping with McDonald's well established commitment to human rights for all people, and our own policies of promoting equal opportunity and treating everyone with respect and dignity.

There is no implication in this television commercial that is indicative of the sexual preference of any of the characters, nor does the humorous story line attempt to refer to, indicate or play on the sexuality of the characters. It is simply a portrayal of three mates, and how they react to being caught out in an awkward moment. The television commercial does not imply that there is anything wrong with physical contact between two men, the joke comes from the fact that both characters on the lounge are caught in a position where neither is aware of what they had been doing. When roused by their mate, slurping loudly on his drink, they are surprised to find that they had been asleep in a heap together on the couch, obviously having just nodded off during the late night soccer match.

We do not think that this commercial breaches any of the AANA Codes, nor does the content of the television commercial offend any prevailing community standards. It is simply a lighthearted and humorous commercial to promote the excitement and camaraderie of the FIFA World Cup.

THE DETERMINATION

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

The Board noted the complainant's concern that the advertisement is homophobic.

The Board was of the opinion that the advertisement depicted a group of men who had stayed up late to watch the football and had fallen asleep. When woken up the men appear uncomfortable with having fallen asleep against each other. The Board considered that the majority of people would understand the actions of the men to be a typical response to men who are not in a relationship with each other being found in that position and would understand that this was not material that sought to suggest that contact between men is inappropriate or unnatural. The Board considered that most people would find it amusing and would consider that it did not discriminate against or vilify a person or a section of the community on account of their sexual preference.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of people (sexual preference).

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.