



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0308/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Hungry Jacks</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/08/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

A male voice over says that Hungry Jack's believes everyone should start their day with one of their breakfasts and that if the weather is not good then you should have this breakfast in bed with a smoking hot model, and that you should be on a yacht. We see a female climbing in to bed with a breakfast tray and there is a male model next to her, and then we see a yacht.

### THE COMPLAINT

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

*The advertisement comes across as sexist....*

### THE ADVERTISER'S RESPONSE

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

*Doing the best we can to understand the complaint and putting it at its highest having regard to the AANA Code, the essence of the complaint appears to be that the TVC includes a shirtless male model and a yacht and the fact of the inclusion of a male model without a shirt in the*

*context of the TVC is sexist in that it exploits, discriminates, stereotypes or vilifies the male player or men generally.*

*That is, as we say, putting it at its highest. However, on any reasonable consideration of the TVC it is an extraordinary (and very strained) proposition and not one that we suggest would be reflected in the broader community.*

*The TVC is essentially a fantasy or dream sequence about the ideal world told through the eyes of Hungry Jack's which describes how everyone should be able to start their day. The Hungry Jack's ideal world is explored in increasing detail, starting with the proposition that everyone should be able to start their day with a freshly cooked bacon and egg muffin, hash brown and a coffee. The voiceover then elaborates adding the element that if it rained or was cloudy everyone should be able jump back into bed, then elaborates further, next to a 'smoking hot' model. The fantasy concludes with the line 'and maybe you are on a yacht'. The inclusion of the yacht and a male model are devices used to elaborate and give colour to the dreamlike scenario Hungry Jack's conjures up in its ideal world. They are key elements in achieving the creative hook of the TVC and are essential in achieving the conveyance of the fantasy. They therefore serve a functional purpose in the narrative and it cannot be reasonably said that they are gratuitous inclusions.*

*The inclusion of the male model does not in any way stereotype men, nor does it make a distinction in favour or against woman or men. The TVC does not exploit men, nor does it speak negatively about men in general. There is nothing in the TVC to suggest the male model is inferior, deficient or otherwise being exploited. The male player is a dream figure in the TVC who appears happy to be there and whom is presented in no other way than as a male model in a bed. There is no possible sexist subtext capable of being gleaned from the fact that a male model is included in the TVC. It should also be noted that the voiceover does not specify a particular sex of the 'smoking hot model' - but for visual purposes, a male or a female had to be shown and in this instance it was a male.*

*Whilst the male player is represented with a bare torso there is nothing to suggest the male player is naked, nor is there any suggestion that the male and female player are engaged in any sexual activity throughout the TVC. There is nothing racy or overt about the scenario and the representation of the male and female player is well within acceptable and prevailing community standards. The male model is showing no more skin than any person would see on the average male on a hot summer's day.*

*For all of the above reason, Hungry Jack's and Clemenger BBDO submit that the TVC does not portray people or depict material in any way which discriminates against or vilifies men or women on account of their sex. Further, the TVC does not treat sex, sexuality or nudity insensitively (or depict such things at all). The TVC is not in contravention of Prevailing Community Standards. To the contrary (and for the sake of completeness) Hungry Jack's and Clemenger BBDO contend that the TVC is compliant with all aspects of the AANA Code and the Food and Beverages Advertising and Marketing Communications Code (Food Code). In producing the TVC Hungry Jack's and its agency, Clemenger BBDO, have taken every care to ensure that it complies strictly with the AANA Code and the Food Code. Nothing in the TVC discriminates against or vilifies a person or section of the community on account of their sex. The TVC does not show any overtly or explicit sexual material.*

*We ensure that all of our advertisements are respectful of the community and all the people in it, particularly given that ultimately they are our customers.*

*We request that the complaint be dismissed.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concerns that this advertisement comes across as sexist.

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

The Board 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 that the advertisement shows a woman climbing in to bed with a Hungry Jack's breakfast as the voice over says that everyone deserves a great breakfast in bed with a 'smoking hot model' and we then see an attractive male lying in the bed next to her.

The Board considered that the depiction of the male model was very light hearted and was not objectifying. The Board considered that in the overall context of the advertisement's theme the suggestion that everyone would want a 'smoking hot model' in their bed was humorous and that the stereotypical depiction of an attractive young man in bed with an older woman is not demeaning.

The Board considered that the advertisement did not depict any material which objectified or discriminated against men or women.

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.

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