



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0317/18</b>
2	<b>Advertiser</b>	<b>Menulog</b>
3	<b>Product</b>	<b>Food / Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>25/07/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Menulog shows various Australians and what they want for dinner. The point is to showcase that Menulog can provide anything. A man in an office wants pizza. A construction worker wants sushi. A student wants dumplings. A mother wants a “bloody steak”. A grandmother wants lamb shish. A woman wants chicken jalfrezi.

## THE COMPLAINT

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

*One of the individuals says she wants a “bloody steak”.  
I have young children watching the evening movie (a children’s film) so was disappointed this ad was played at this time.*

## THE ADVERTISER’S RESPONSE

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





*Menulog Australia  
Response to Complaint from Ad Standards*

## **AANA CODE OF ETHICS - CONTENT AND DETAILED COMMENTARY**

### **2.1 - Discrimination or vilification**

#### **Section Description**

*Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

#### **Menulog Response**

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

### **2.2 - Exploitative or degrading**

#### **Section Description**

*Advertising or Marketing Communications shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.*

#### **Menulog Response**

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

### **2.3 – Violence**

#### **Section Description**

*Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

#### **Menulog Response**

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

### **2.4 - Sex, sexuality and nudity**

#### **Section Description**

*Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*



### *Menulog Response*

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

## *2.5 – Language*

### *Section Description*

*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.*

### *Menulog Response*

*The specific point noted in the complaint regarding the Menulog ‘Hungry Citizens’ advert references the use of the words ‘bloody steak’ in one scene of the Menulog 30” advert, played during Nim’s Island. In the context of this scene, the words ‘bloody steak’ refer to the way the steak is cooked (i.e. rare or blue, as commonly used) however the comedy in this advert also comes from the double use of this word to emphasise meaning. The tone of the entire advert is very lighthearted, which viewers will note throughout.*

*This scene in question is also set in a family living room, which again demonstrates the innocent nature of the use of this word but also furthers the comedic element as it shows a mother, who is clearly flustered, and just wants someone to cook dinner for her - her preferred meal of a bloody steak!*

*Menulog has gone through all required approvals both internally (local and global management) and externally (through advertising, media agencies and CAD) and throughout all approval processes, the language in this advert has never been deemed inappropriate (nor strong or obscene). Following the CAD approval process, the advert has been rated G, meaning the content is very mild in impact and suitable for everyone (please see reference and rating below).*

*Our media agency have contacted Network 9, owner of GO! where Nim’s Island and our advert were aired. This movie is PG classified and not “C” which is considered Children’s programming. Network Nine have confirmed we were allowed to run our advert in this program and the program is suitable to run our G rated ad on.*

*When buying TV, our media agency Blue 449 buy within the 3-9pm timing parameters and avoid / filter any programs that are classified “C”. Nim’s Island is a family movie with a ‘P’ rating and within the fringe (5pm) slot.*

*Overall, the language used in this ad has been deemed inoffensive by regulatory bodies and is intended to add to the lighthearted nature of the story. As such, we do*



*not believe a complaint referring to language for the Menulog 'Hungry Citizen's' TVC is warranted.*

*We also note that in determining Complaint reference number 253/08 the Board noted that the word 'bloody' was an example of a term currently used innocuously and widely in the Australian community and therefore was not in breach of the Code, and in Complaint reference number 0098/15 that the Board considered that the use of the word 'bloody' is a colloquial term used to express frustration or to emphasize what is being said. In that instance the Board noted that it had previously dismissed several advertisements where the term 'bloody' is referred including 0433/07, 0375/03 and 0091/06.*

## *2.6 - Health and Safety*

### *Section Description*

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

### *Menulog Response*

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

## *2.7 - Distinguishable as advertising*

### *Section Description*

*Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.*

### *Menulog Response*

*Menulog TVC complies with this section of the code. The complaint in question does not reference anything noted in this section of the code.*

## **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 complainant's concern that the advertisement uses inappropriate language.

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 the TV advertisement featured scenes of different people in various situations declaring what they would like for dinner. In particular the Panel noted the scene where a mother states, “I want a bloody steak.”

The Panel noted the complainant’s concern that the language was inappropriate for an audience which would include children.

The Panel noted that this television advertisement had been given a ‘G’ rating by CAD, and that the likely audience would be broad and likely to include children.

The Panel noted the advertiser’s response that the words ‘bloody steak’ refer to the way the steak is cooked as well as having the double meaning of emphasis.

The Panel noted the Practice Note for Section 2.5 of the Code states “Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are “bugger”, “shit”, “pissed-off”, “crap”, “bloody”, “cheap bastard”, “bum”, and “balls”.”

The Panel considered that most members of the community would consider the word ‘bloody’ to be an emphasis on how much the woman wanted the steak, rather than a description of how she would like the steak cooked. However, the Panel considered that the use of the word ‘bloody’ as emphasis was consistent with colloquial use in Australia and would be unlikely to be considered inappropriate or offensive by most members of the community.

The Panel considered that the use of the word ‘bloody’ was not strong, obscene or inappropriate in an advertisement which would be seen by a broad audience, including children.

Finding that the advertisement did not use strong or obscene language and that the language was not inappropriate, the Panel 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 complaint.

