



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0358-20
2. Advertiser :	Hungry Jacks
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	16-Dec-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features 5 people sitting at a bench and using their hands and coloured drinking glasses to make music.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I believe that this add could lead to children doing the same thing and ending up badly cutting themselves.

THE ADVERTISER'S RESPONSE

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

This campaign is inspired by Anna Kendrick's Cup song from the Pitch Perfect film <https://www.youtube.com/watch?v=cmSbXsFE3l8>. The cup song and dance in which people use a cup to tap out a rhythm.



The 15 second commercial appeared on metro and regional television nationally from October 26 to November 20. In addition, there was a charity campaign in digital channels to raise funds for our children's charity partner Make A Wish.

As requested, below are comprehensive comments in relation to the complaint for the entirety of Section 2 of the AANA Code of Ethics.

- *2.1 - This advertisement does not breach any discrimination or vilification codes*
- *2.2 – This advertisement is not exploitative or degrading*
- *2.3 – This advertisement does not show any violence*
- *2.4 – This advertisement does not feature any sex, sexuality or nudity*
- *2.5 – This advertisement does not have any offensive language*
- *2.7 – This advertisement is clearly distinguishable as advertising*
- *2.6 - Health and Safety*

The complaint relates to the viewers concern that this ad contravenes health and safety codes because if children are exposed to this ad they may mimic it and cut themselves.

At Hungry Jack's we aim to create good moments over great tasting food and we of course never wish to offend or cause distress to any of our customers, or the wider public.

The ad is aimed at our adult consumers aged 18-39 year old who would be familiar with the cup song. This commercial was not targeted to children. As per the AANA Food and Beverages Marketing and Communications Code Hungry Jack's does not target children nor does our advertising appear within children's programming. As signatories to the Quick Service Restaurant Initiative for Responsible Advertising to Children, we have proudly abided to the guidelines. We can confirm that this piece of advertising has only been placed in media that targets an age group of 18-39 years. It is not directed at children.

The scenes depicted are adapted from an international social trend that has appeared globally on digital channels prior to appearing in our advertising. There were no reported issues or concerns raised by our customers and the creative was considered appropriate for the Australian audience.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement may lead to children imitating the behaviour and cutting themselves badly if a glass broke.

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



Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel considered that the advertisement features a theme similar to one depicted in the 2012 film Pitch Perfect, in which a woman uses a cup to make a beat as she sings.

The Panel noted the advertiser's response that this is a popular trend that has been emulated across social media in many thousands of videos.

The Panel noted the advertiser's response that the advertisement was targeted towards consumers aged 18-39, however considered that the advertisement was broadcast on free-to-air television and would likely have a broad audience which would include children.

The Panel considered that the people in the advertisement are deliberate in their movements, and are clearly using the glasses to make a beat.

The Panel considered that the advertisement is not encouraging others to imitate the behaviour, and considered that most members of the community would not find the behaviour to be unsafe.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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