



Case Report

1	Case Number	0365/13
2	Advertiser	Hungry Jacks
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/11/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A woman sits in her car eating Hungry Jacks "outlaw whopper" and the voiceover describes the meal deal and the new tastes of the outlaw range. The final scene is of the woman looking at a ramp that is set up as if to jump over the railway line as a train passes on the tracks.

THE COMPLAINT

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

I feel the ad is dangerous. This ad would appeal to young male adults and could lead to copycat behavior. With potentially fatal consequences.

THE ADVERTISER'S RESPONSE

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

I'm writing in regard to the complaint against the advertiser 'Hungry Jack's' received on 8 October. The TV commercial at issue promotes the 'Outlaw Whopper' menu. The commercial depicts a driver eating an Outlaw Whopper, followed by a subsequent scene of the same driver in sightline of a ramp at a train crossing. There is no character dialogue, but a

voiceover that states: ‘...it’ll give you a taste of the wild side’. The commercial then cuts from the driver scene to the logo and end frame.

The commercial is a dramatisation of the product it promotes, which is positioned as ‘outlaw’ in a tongue-in-cheek manner. An understanding of the commercial relies on the implication that the product will instil in customers as sense of being ‘outlaw’. It does not, however, of condone dangerous behaviour. The commercial uses comedy to dramatise the product message, leaving the viewer to draw an implication. The car is stationary at the train crossing scene. At no time do we see the vehicle attempting to clear the ‘jump’ or engaging in any other reckless activity. We instead see a close up of the character at the steering wheel at the conclusion of the narrative sequence.

The commercial received CAD approval prior to airing, in which it was deemed in good taste and fit for broadcast. Hungry Jack’s values the best interests of the community, and aims to uphold these through responsible advertising. It does not believe this commercial contravenes these interests, and requests the complaint be dismissed.

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 concerns that the advertisement depicts a scenario that is dangerous and may encourage copycat behaviour.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features a girl sitting in a vehicle eating as the voice over describes the new Hungry Jacks Outlaw menu. At the end of the advertisement there is footage of a truck with a ramp over the top facing over a railway line. A train passes on the track as the lights flash and the boom gates are down. The female character does not speak and the voiceover adds: ‘...it’ll give you a taste of the wild side’

The Board noted that the car is stationary at the train crossing scene and that the advertisement does not include scenes of the driver and vehicle attempting to clear the ‘jump.’

The Board noted that the burger and meal are part of the ‘outlaw’ range on the menu and that

the advertisement suggests that by eating the meal, the consumer may be overwhelmed with a desire to act like an outlaw and do something “outside of the law” or illegal.

The Board considered that the depiction of the girl in the vehicle and the image of the ramp leads the viewer to draw an implication that the driver is likely to attempt to jump the train tracks but that there is never any scenes of her actually doing the jump.

The Board considered that the implication of attempting a dangerous activity such as this is something that could be explained by adults to children and could be reconfirmed as behaviour that is not encouraged or should ever be copied. The Board noted that the activity of train jumping or the setting up of potentially fatal activities is something that would be of concern to the broader community. The Board considered that the advertisement does not actually depict material that is unsafe or contrary to prevailing community standards on general safety.

The commercial received CAD approval and a W rating. The Board noted that the advertisement had been aired in the appropriate times for the rating.

Based on the above the Board considered that the advertisement is not condoning or encouraging behaviour which is contrary to prevailing community standards on health and safety relating to vehicle safety and that the advertisement did not breach Section 2.6 of the Code.

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