



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0407/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Grosvenor Hotel</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/10/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

### ISSUES RAISED

- 2.5 - Language Use appropriate language
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

A woman holding a burger close to her face and licking her wrist. Her eyes are closed and there is sauce dripping from the burger.

The text above the image reads, "F\*#k Me Burger Thursday's" and below it reads, "The Best Buns in Brisbane."

The remaining text describes the burger and gives the price of \$5 when you purchase a drink.

### THE COMPLAINT

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

*Posters outside the pub advertising "f@#k me burger" with photo of woman licking a burger suggestively (oral sex) and words "Best buns in Brisbane". The pub is the Grosvenor Hotel, corner of George and Anne St Brisbane City.*

*I find the posters sexist. I also think they are completely inappropriate for the central business district.*

### THE ADVERTISER'S RESPONSE

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

*F\*#ck Me Burger Thursday - On Thursday's at The Grosvenor On George (320 George Street Brisbane)*

*We have, since we opened, offered cheap meals Monday-Thursday.*

*On Thursdays we serve a Burger with "The Lot" for \$5.*

*These are quite large burgers and are very popular with the patrons.*

*When they come out they are that big, that the common reaction from patrons was "F\*#ck Me!"*

*Indicating they are happy and surprised with the size of the burger for \$5.*

*The name has since stuck.. & the burger is now widely known as "The F\*#ck Me Burger"*

*This burger is somewhat famous, with even Sean Muir, burger critic on The Australian Motorcycle, Burger With The Lot Tour popping by to try one. <http://lotburger.com>*

*As for "The Best Buns in Brisbane" - we have our burger buns delivered fresh daily and they are quite large and delicious.*

*In addition to this, the woman in the picture is NOT licking the burger suggestively, she is licking the sauce running down her hand, as I'm sure most of us have done when enjoying a large burger.*

*Also, the complaint suggests that we are offering the "Service: Sex" - This cannot be further from the truth.*

*The service advertised is a "product" a \$5 meal deal option for Wednesday and Thursday.*

*In relation to the advertising codes in SECTION 2:*

*2.1 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, sex, age, sexual preference, religion, disability or political belief. We Have NOT Done This.*

*2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. We Have NOT Done This.*

*2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone. We HAVE Done This. There is NO Nudity, Sex or Sexuality depicted.*

*2.4 Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing Communications to Children applies. We HAVE Done This.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided. We HAVE Done This. Language has been censored more than it is often seen on popular clothing labels. The words has been depicted in such a way that it allows the reader to interpret the advertisement for themselves.*

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

*We Have NOT Done This.*

*2.7 Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertising or marketing*

*communications to which the Federal Chamber of Automotive Industries Code of Practice applies. Not Applicable*

*2.8 Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code. We HAVE Done This.*

## **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 complainants' concerns that the advertisement was sexist and inappropriate for outdoor display.

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

The Board first 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 this outdoor advertisement features a woman holding a burger and licking her wrist and that the main banner reads, “F\*#k Me Burger Thursday’s [sic]” and additional text reads, “The Best Buns in Brisbane”.

The Board determined that as the woman was depicted eating the burger and the advertisement is for burgers the depiction of the woman did not amount to an image which discriminates against or vilifies a section of the community on account of their sex.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: ‘...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone’.

The Board considered that the combination of the woman licking her wrist and the wording in the advertisement amounts to a depiction which is sexualised.

The Board noted the advertisement is displayed in George Street which is in the Brisbane CBD and so the relevant audience for the advertisement is broad. The Board considered that given the sexualised nature of the image it is likely the advertisement will be found offensive by many people who would see it.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached Section 2.3 of the Code.

The Board then 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 and strong or obscene language shall be avoided.”

The Board considered that although the word ‘Fuck’ was not used in its entirety and has two letters replaced with symbols, it is very clear that this is the word being alluded to. The Board considered that although the entire word was not used, the overall context of the F\*#k in conjunction with “F\*#k Me” and the sexual image meant that the use of the word was not appropriate in the circumstances.

Based on the above the Board determined that the advertisement used strong and obscene language which was not appropriate and that it did breach Section 2.5 of the Code.

Finding that the advertisement breached Sections 2.1, 2.3 and 2.5 of the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

The advertiser advised that it would not be removing or modifying the advertisements. The Advertising Bureau is continuing discussion with the advertiser.