



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0415/12</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>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/10/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement for the Hungry Jack's Stunner Value Meal features a man being threatened by another man because he owes someone \$5. We can hear sounds as though he is being hit and the man doing the hitting says, "You borrow that kind of money, you gotta be prepared for the consequences".

A voiceover then describes the contents of the Stunner Value Meal which costs \$4.95.

### THE COMPLAINT

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

*Given the recent media coverage in relation to alcohol fuelled violence the use of violence to advertise buying a food product does not set a good example. The advertisement is clearly aimed at young people and uses violence as a natural consequence for not returning money.*

### THE ADVERTISER'S RESPONSE

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

*Hungry Jack's writes in response to the above complaint, which was referred to us on 9 October 2012. The complaint relates to a radio commercial promoting the Hungry Jack's range of 'Stunner' value meal deals, first aired on 22/09/2012.*

## *1. The Complaint*

*The complaint to which we are responding was made by an unidentified person. The complainant describes the radio commercial in the following terms:*

*'A male voice is threatening to hit another person for not returning some money. The money is to be used to buy a food product. The male then hits other person and then threatens further violence.'*

*The complainant describes the cause for concern as:*

*'Given the recent media coverage in relation to alcohol fuelled violence the use of violence to advertise buying a food product does not set a good example. The advertisement is clearly aimed at young people and uses violence as a natural consequence for not returning money.'*

*The complaint is said to raise issues under section 2.3 of the Australian Association National Advertisers Code of Ethics (AANA Code) which provides as follows:*

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

## *2. Response to the complaint*

### *2.1 General Observations*

*The radio commercial promotes Hungry Jack's 'Stunner' value meals by dramatising the value of \$5. It depicts a dialogue between a male character ('Sam') and a secondary male character, followed by an explanatory monologue. The primary marketing message – the value of \$5 has never been worth so much at Hungry Jack's – is articulated in this monologue. In this context, the narrative is not intended to be understood literally. Rather, the narrative appropriates a familiar 'debt collector' trope as depicted in popular film and television in order to communicate this primary marketing message.*

*The narrative section of the commercial appropriates the 'debt collector' pop cultural reference for comic impact, insofar as the debt in question (\$5) is far smaller than a*

*reasonable person would expect to incite such an incident. The antagonist reiterates this in the line: 'you borrow that kind of money, you gotta [sic] be prepared for the consequences.' This is immediately followed by the explanatory monologue ('\$5 is a big deal'), which establishes, without ambiguity, a mood of levity. When comprehended in its entirety, the slapstick humour of the narrative scene, coupled with the comic incongruence of \$5 positioned as a considerable amount of money, is an exaggerated demonstration of the value proposition of 'Stunner' value meals.*

*On any fair view of the radio commercial, no reasonable person would understand it to seriously suggest that Hungry Jack's condones or encourages violence. Rather, they would recognise the appropriation of the aforementioned pop cultural trope in dramatising the value of \$5. In this context, it is in our view a gross exaggeration of what is in fact depicted to suggest that the commercial 'uses violence as a natural consequence for not returning money.'*

*The complaint also claims that 'the advertisement is clearly aimed at young people'. Hungry Jack's does not target young people in its radio advertising. The radio station on which the commercial was aired, Nova 91.9, is a general broadcast South Australian radio network with a demographically broad audience. Hungry Jack's purchases advertising media on this network, along with SAFM, as those two networks are the top two South Australian commercial stations in audience ratings for Hungry Jack's target audience, which is all people aged 18-39. Moreover, the three voice-over actors featured in this commercial are aged 30, 36 and 39 respectively, all of whom fall within this target audience. Hungry Jack's routinely casts actors for its radio commercials who fall within the intended audience of the commercial, as it has done in this case. It is therefore demonstrably untrue to suggest the advertisement 'is aimed at young people' less than 15 years of age.*

*In summary, the radio commercial does not portray what ordinary members of the community would regard as an endorsement of violence, nor does it target young people. Rather, the radio commercial uses unambiguous slapstick comedy as part of a broader marketing communication that does not contravene prevailing community standards.*

## *2.2 Section 2.3 application of the AANA Code*

*For all the above reasons, Hungry Jack's and Clemenger BBDO submit that the radio commercial does not present or portray violence or offend the prevailing community standard as to 'violence' and its depiction in advertising. The radio commercial therefore does not breach section 2.3 of the AANA Code.*

*For the sake of completeness, Hungry Jack's and Clemenger BBDO submit that the commercial also otherwise complies with all aspects of the AANA Code, and the AANA Food and Beverages Code, (together the Food Codes) and is in accordance with prevailing community standards. The commercial is therefore not in breach of any other sub-section in Section 2 of the AANA Code of Ethics (2.1, 2.2, 2.4, 2.5 and 2.6).*

## 2.3 Summary

*In producing the radio commercial, Hungry Jack's and its advertising agency, Clemenger BBDO, have taken every care to ensure that it complies strictly with the AANA and the Food Codes. We ensure that all of our advertisements are respectful to the community and the people in them, particularly given that they are ultimately our customers.*

*There is no breach of the AANA or Food Codes and we request that the complaint be dismissed.*

*Please let us know if you require anything further.*

### **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 depicts a scene of violence and is aimed at young children.

The Board listened to the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement depicts a thug type character sent to deliver a message to "Sam" that he owes his mate "Dave" five dollars. The voiceover then describes what can be bought for five dollars at Hungry Jacks.

The Board noted that the advertisement is clearly meant to sound as though a man is being punched more than once by another man who has been hired as a debt collector by his mate to scare him into giving back the money he owes. The Board noted the advertisers response that the scenario is a pop cultural reference for comic impact, insofar as the debt in question (\$5) is far smaller than a reasonable person would expect to incite such an incident.

The Board considered that most members of the community would understand that the advertisement is fiction and was not really a depiction of a man being beaten up. The Board

considered however that the moaning and pained sounds of the man who has been hit are realistic and he sounds distressed.

The Board considered that the sound effects were not sufficiently humorous or unreal to mitigate the depiction of hitting or violence. Consistent with previous decisions (522/09 and 174/09) the Board considered that the portrayal of violence in this manner is not justifiable in the context of the product being advertised.

The Board determined that the advertisement did breach Section 2.3 of the Code.

Finding that the advertisement did breach Section 2.3 of the Code, the Board upheld the complaint.

### **ADVERTISER RESPONSE TO DETERMINATION**

While we are disappointed with this decision and feel the content of the commercial was portrayed in a light hearted humorous manner unlike much of the violent television, cinema and gaming content being broadcast in these times, we have removed the commercial in question from our broadcast rotation and it will not be aired again. Notification to remove the material was sent to all radio stations on our schedule effective Week Commencing 28th October.