



Case Report

1	Case Number	0423/10
2	Advertiser	McDonald's Aust Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	27/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.8 - Food and Beverage Code untruthful/dishonest
2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A male voice over describes the Quarter Pounder burger and says you only need one hand to eat it as you may need your other hand to perform such tasks as holding open a door, fixing a car, gardening, pointing and so on. We see a man holding a burger in one hand and acting out all the scenarios described by the voice over.

The advertisement finishes with the man holding aloft a Quarter Pounder accompanied by a voice over and text on the screen stating: "You'll look more of a man with a Quarter Pounder in your hand" and the final screen shot is of the McDonald's logo and the text: "i'm loving it. available after 10.30am."

THE COMPLAINT

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

This advertisement is blatantly discriminatory on the grounds of gender. By stating you look more like a MAN then it calls into question the femininity of women who eat Quarter Pounders and the masculinity of males who do not. I believe this is unacceptable inappropriate and offensive.

Firstly if a woman is holding the burger the ad could be interpreted as suggesting she might be trying to signal interest in a gender change.

Secondly MacDonal'd's is not offering anything that makes anyone feel more like a woman so it seems to be discriminatory.

Thirdly is it inappropriate for a woman to eat a quarter pounder?

THE ADVERTISER'S RESPONSE

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

McDonald's does not consider that the television commercials are in breach of the Australian Association of National Advertisers Code, and we thank you for the opportunity to make submissions to the Board in support of this view.

Sections of the Code cited by the Complainant:

Section 2.1 of the AANA Code of Ethics: "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"

Section 2.8 of the AANA Code of Ethics: "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 understand that the particular concern is that the commercials are untruthful or dishonest.

The commercials are a light hearted and good humoured look at the way men look at themselves. In the 30" television commercial we see a man doing a number of acts including building something (although he is just putting together a set piece/IKEA bookshelf), fixing something (although he is just thumping the TV to get a clear picture) and landscaping (although he is just watering the lawn). While some may view these acts as 'masculine', the fact is they are not. This is shown by the male character not really doing anything that is significant or 'masculine' in nature. The commercials take a humorous look on this perception and this extends to eating a Quarter Pounder. Just because you eat a Quarter Pounder with beef and cheese does not make you more 'manly'.

The commercials are in no way intended to, nor do they, discriminate against any person or group, in particular females. This is clear by the way it pokes fun at males.

Sections of the Code cited by the ASB

The ASB has asked us to consider Section 2 of the AANA Code of Ethics and comment on any matters we feel fall broadly within this Section of the Code. We consider that only Sections 2.1 and 2.8 are relevant, but that these matters are adequately addressed by the above submissions. The commercials are not targeted towards children and therefore section 2.4 does not apply.

We thank the Bureau for the opportunity to respond. McDonald's takes seriously its responsibilities under the AANA Codes and we look forward to the Board's determination.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code"), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSR Initiative) and the AANA Code for Advertising and Marketing Communications to Children.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the AANA Code of Ethics states: "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"

The Board noted the complainant's concern that the advertisement is discriminatory on the grounds of gender and that it is unacceptable, inappropriate and offensive to insinuate that you are more of a man if you eat Quarter Pounders. The complainants further identified that as the advertisement does not offer anything that makes anyone feel more like a woman, the advertisement is discriminatory.

The Board viewed the advertisement and noted the advertiser's response that the advertisement is intended to be a light hearted and good humoured look at the way men look at themselves. The advertisement shows a man doing a number of acts including building something, fixing something and landscaping. The advertisements take a humorous look at the perception that these are 'masculine' tasks to be doing when they are not. This extends to eating a Quarter Pounder. The Board accepted the advertiser's response that just because you eat a Quarter Pounder with beef and cheese it does not make you more 'manly'.

The Board considered that the advertisement does not depict material in a way which discriminates or vilifies a section of the community. The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered the advertisement under the QSR Initiative. The Board noted the complainant's concern that the advertisement is directed to children and does not represent a healthier choice as determined by the defined nutrition criteria.

The Board noted that the QSR Initiative is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Board noted that the QSR Initiative applies to 'advertising or marketing communications to children' which means 'advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children and are for food and/or beverage products.' Under this initiative children means "persons under the age of 14 years of age."

The Board noted that the advertisement features images of the product being held by a man as he undertakes various tasks. The accompanying voiceover clearly indicates that the association of a burger with manliness is humorous.

The Board considered that the overall theme (that holding the burger will make you more of a man), visuals (a man undertaking various activities) and the adult voiceover are elements that do not make the advertisement primarily attractive to children. The Board considered that this advertisement is not directed primarily to children as defined in the QSR Initiative and that there is no breach of the QSR Initiative.

The Board then considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children. The definition of what is advertising and marketing communications to children' in the AANA Children's Code is largely the same as that in the QSR Initiative. For the same reasons noted above, the Board considered that this advertisement is not primarily directed to children, therefore the provisions of the Children's Code are not applicable in this case.

The Board then considered the advertisement under the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code). The Board considered that an advertisement for the Quarter Pounder product is not, of itself, an advertisement that would 'otherwise contravene prevailing community standards' and that the advertisement did not breach section 2.1 of the Food Code. The Board determined that the advertisement did not breach any other provisions of the Food Code.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board dismissed this complaint.