



## CASE REPORT

1. Complaint reference number	142/09
2. Advertiser	Nando's Australia Pty Ltd
3. Product	Food & Beverage
4. Type of advertisement	Internet
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Wednesday, 22 April 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This image shows the picture of a Nando's double breast chicken burger to the right hand side of the wording. The words say in bold lettering "Grab a bigger, bouncier double breast bonus." Below that are the words "Purchase a Double Breast burger and get another free in exchange for this voucher."

## THE COMPLAINT

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

*I find the comparison between your double breast chicken burger and women's breasts to be offensive. Suggesting that customers can get 'bigger bouncier' chicken breasts has the affect of reducing women to a pair of breasts, and implying that customers can gain access or control over women's breasts. Women's breasts are not simply objects for another person's enjoyment or consumption!*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The campaign was developed to advertise our 'Classic Double Breast Burger'. This product contains two chicken breasts. Nando's also sells a 'Classic Chicken Breast Burger', which contains one chicken breast. These products have been available at Nando's for many years and are sold internationally throughout the Nando's network.*

*The creative idea for the campaign is to have fun with the main point-of difference of the Classic Double Breast Burger versus our standard Classic Double Breast Burger – the extra chicken breast. The light hearted, tongue-in-cheek language used to describe this difference is 'bigger, fuller, bouncier'. Indeed, a chicken burger which contains double the quantity of chicken breast is bigger, fuller and dare I say bouncier. Consequently, Nando's does see any issues in relation to The Code.*

*Regarding complaint 142/09, the campaign does not discriminate or vilify gender. The voucher in question is a buy-one-get-one free coupon. The creative invites consumers to 'grab a bigger, bouncier double breast bonus'. This copy directly relates to the Double Breast Burger and the nature of the offer. The food imagery used on the voucher reinforces this connection.*

*While we regret having upset members of our audience, we do not believe that the campaign contravenes the code.*

*As a company, we are very proud of our irreverent brand nature, but we are also proud of our international policy, which states that Nando's is for everyone. We will therefore take these*

*complaints into account when considering future advertising campaigns.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”) and the AANA Food and Beverages Advertising and Marketing Communication Code (the “F&B Code”).

The Board noted the complainant's concerns that the advertisement was drawing an analogy between chicken breasts and women's breasts in an inappropriate and objectifying manner. The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of gender.

The Board noted the language used in the advertisement of "bigger, bouncier, double breast" was suggestive of a play on the word "breast" in the context of female breasts. However, the Board considered the reference was mild and discrete and not, of itself, discriminatory or vilifying of women. The Board therefore found no breach of Section 2.1 of the Code.

The Board also noted it found no breach of the F&B Code.

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