



CASE REPORT

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| 1. Complaint reference number | 159/08 |
| 2. Advertiser | Nando's Australia Pty Ltd |
| 3. Product | Restaurants |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Monday, 19 May 2008 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

The radio advert begins with a man's voice that sounds like Gordon Ramsay saying "Pretend for a second I'm Gordon f**king Ramsay. My challenge, go to restaurants and get them to lift their f**king game. First stop – Nando's where they claim to serve the f**king best Portuguese peri-peri chicken."

We hear Gordon as if he's in the restaurant ordering, "I'll have chicken with hot peri-peri thanks."

We now hear 'Gordon's' voice over, 'Carlos the manager brings me the food.'

We hear Gordon as if he's in Nando's again, "Well f**k me, this is f**king brilliant."

Carlos speaks, "We marinate it for 24 hours, baste and flame grill."

Gordon continues, "Well Carlos my man, keep doing what your f**king doing. F**king good peri-peri. F**k me."

Then a voice over says "This ad has not been endorsed by Gordon Ramsey."

THE COMPLAINT

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

It only barely disguises the swearing in it and clearly attempts to use the swearing to spice up the ad. If the product is so good don't resort to exposing children who are listening to a very popular show, to this kind of language.

THE ADVERTISER'S RESPONSE

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

The commercial in question is delivered by a Gordon Ramsey impersonator and is a tongue-in-cheek parody of the well known chef. One of the distinctive traits of Gordon Ramsey is his tendency to swear heavily during his TV programs. In order to deliver the parody, the script called for several expletives to be included. As evidenced in the attached copy of the commercial, the swearing has been removed from the on-air version in the usual and expected manner – using the traditional "bleep".

The "bleeping" device has been applied to this Nando's commercial in the same manner in which it is used across many television and radio broadcasts. The bleeping has effectively censored the commercial so that the parody was evident with strong and obscene language being avoided

Consequently, Nando's Australia does not believe the commercial breaches section 2 of the Advertiser Code of Ethics.

This commercial is intended to be humorous and a parody. At Nando's, we are proud of our

brand's bold heritage and irreverent personality. We believe this commercial is simply a reflection of these long-established attributes. That said, we do take this complaint seriously.

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 about the strong language used in the advertisement and considered the complaint under Section 2.5 of the Code which states:

Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

The Board listened to the radio advertisement and noted the repetitive use of the word f**k. The Board acknowledged that the middle section of each word had been bleeped out but considered that the word was clearly recognisable as the letters f and k could be heard at the beginning and end of each usage.

The Board further considered that prevailing community standards would consider this word to be obscene and that people would be shocked to hear it used repetitively during a radio advertisement.

The Board also noted that the word was irrelevant to the product being advertised. The Board did not believe that the community would find the advertisement humorous.

The Board determined that the advertisement was in breach of Section 2.5 of the Code.

Finding that the advertisement breached Section 2.5 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

The advertisement in question has been discontinued.