



## **CASE REPORT**

1. Complaint reference number	216/04
2. Advertiser	Oporto Franchising Pty Ltd
3. Product	Food
4. Type of advertisement	Radio
5. Nature of complaint	Discrimination or vilification Other – section 2.1 Portrayal of sex/sexuality/nudity – section 2.3 Other - Social values
6. Date of determination	Tuesday, 14 September 2004
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is a radio advertisement. A female is pulled over by a police officer for driving 20km over the speed limit. The female begins talking about an Oporto burger and the legendary sauce with irresistible force. He lets her off the speeding fine.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*“The commercial portrays to the listener that it is ok to speed provided you can convince the Police officer to think of Oporto chicken. Whilst this will be taken tongue-in-cheek by most listeners, it is a wrong example to set in advertising in relation to illegal acts. Advertising should not portray crimes without consequence.”*

*“This advertisement trivialises important road safety messages through the portrayal that safety-related traffic penalties can be dismissed as inconsequential.”*

## **THE ADVERTISER’S RESPONSE**

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

*“The light-hearted commercial is not intended to condone speeding, just to emphasise the irresistibility of the product. The ad was based on humour and certainly not intended to cause any offence. As the complainant suggests, it is purely tongue-in-cheek and we believe that no listeners could possibly expect it to be an actual event.”*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board formed the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity and the portrayal of people (social values).

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.