



CASE REPORT

1. Complaint reference number	245/06
2. Advertiser	MCDonalds Australia Ltd (McCafe)
3. Product	Restaurants
4. Type of advertisement	Radio
5. Nature of complaint	Health and safety – section 2.6 Other - Causes alarm and distress
6. Date of determination	Tuesday, 11 July 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a cacophony of car horns gradually increasing in volume to an ear-shattering noise, which is then replaced by the sound of a Cappuccino machine, aerating frothy milk. The car horns are silenced and all we hear is light music playing in the background. A female voiceover asks “Wouldn’t it be nice to park your worries, find yourself a quiet, comfortable spot and enjoy a great cup of espresso coffee? McCafe. Now there’s a thought!”

THE COMPLAINT

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

I’m concerned as the background noise is of various motor vehicles tooting their horns....I get scared that I am being tooted at and it affects my ability to concentrate on my driving... I just recommend that no car horns should be played on air for any advertising as it could affect the decision making of drivers and cause an accident.

THE ADVERTISER’S RESPONSE

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

The advertisement in question is designed to demonstrate the potential stress of being in traffic with a series of car horns sounding in a melody and building up to the sound of an espresso coffee machine which represents getting away from it all.

Whilst we do not consider there is any breach....we are prepared to voluntarily discontinue use of the radio ad.

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 complainant’s concern that the advertisement’s use of car horns was contrary to prevailing community standards on safety – i.e.: that it is unsafe to hear such noises from the radio while driving. The Board listened to the advertisement and considered that the initial horn sounds could be annoying to some people and initially confusing.

The Board noted, however, that sounding of a car horn is legal in certain situations and that the advertisement’s use of the horns was not prolonged and faded to the sound of a coffee machine.

The Board did not consider that the use of the car horns in this particular advertisement was a use that was contrary to prevailing community standards on health and safety. Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.