



## CASE REPORT

1. Complaint reference number	289/05
2. Advertiser	McDonalds Australia Ltd (Australian Idol)
3. Product	Restaurants
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 11 October 2005
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

The opening scene in this television advertisement depicts a girl and boy sitting in a car. The boyfriend turns to the girl and starts singing the following words: “*Hey honey, I want to break up, you’re not the one for me...*”. The boy then steps out of the car. He continues to sing: “*I’m seeing someone else, and besides you are 33...*”. Initially the woman is shown to be quite upset at receiving this news. But as the song continues, her attitude becomes more positive - as though she was enjoying the tune her boyfriend was singing.

## THE COMPLAINT

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

*“... I find the advert extremely offensive and no new follow up storyline could ever make it okay...”*

## THE ADVERTISER’S RESPONSE

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

*“The McDonald’s Australian Idol campaign of which this ad is a part, takes a very light-hearted look at situations where people typically deliver bad news. But in this instance, the recipients of the bad news are anything but upset, in fact, they seem unexpectedly happy. And the reason for this – because things sound better sung.”*

*“... it’s delivered in such a comical way that the recipients of the news are actually overjoyed with what they are hearing. The take-out from the campaign is simply that music and singing makes everything more fun and more happy.”*

## THE DETERMINATION

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

The Board was of the view that in the context of prevailing community standards, the majority of people would find this advertisement humorous rather than offensive. The Board took into consideration that the woman in the car was not overly upset by the news that she was receiving; rather, she was entertained, and happily so, by the song her boyfriend was singing.

The Board also noted that this advertisement was aired during Australian Idol, which put the advertisement in context. The Board was of the opinion that the scenes in the advertisement did not contravene the provisions of the Code relating to the portrayal of people (age/sex).

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