



CASE REPORT

1. Complaint reference number	289/06
2. Advertiser	McDonald's Australia Ltd (El Maco)
3. Product	Restaurants
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Tuesday, 8 August 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is another in the “Feed your inner child” campaign, depicting an architect at work suddenly eyeing a small cactus on his desk. His world pauses and we see a trapdoor in his stomach open and a small Mexican mariachi emerges, pulling a sombrero and guitar from the cavity. He runs off to McDonald’s and returns with an El Maco burger, but as the man still seems paralysed, starts to eat it himself.

THE COMPLAINT

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

...the mariachi....refuses to give the burger to the male.

As part of a family that is of Mexican heritage I feel that the Mexican culture....has been entirely based on an extrapolation that is drawn from false generalization and long held biased, racist views that Angalo-Australia (sic) has of the Mexican people and culture.

...That all Mexicans cannot be trusted to complete a task, are generally inconsistent, lazy, that all Mexicans dress only one way and have a standard Mariachi dress code, that all males have the same look (the moustache, are short).

This advert does little at all to promote multiculturalism within Australia . In fact I would go so far as to say that this type of display is reminiscent of a 1950s USA segregation propaganda.

THE ADVERTISER’S RESPONSE

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

The actor portraying the “inner Mexican” is in fact Mexican and a well known mariachi entertainer in Australia . His stature and style was not changed...he proudly wore his own outfit and was the singer of the upbeat Mexican rendition of the “inner child” song. There is no attempt in the ad to suggest that all Mexican people have the same characteristics nor is there anything in the ad to suggest his characteristics are negative in any way.

The fun and light hearted manner in which the “inner Mexican” returns to the office, goes to give his adult self the El Maco burger, then with a smile, decides to eat it directly is to suggest that the burger is so delicious, he can’t resist eating it directly. It is also intended to provide a surprising, fun twist to the previous style of “inner child” ads. In these circumstances, this ad in no way casts any negative aspersions towards the Mexican people as a race.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”) specifically section 2.1 regarding discriminatory or vilifying portrayal of people on account of their race or ethnicity.

The Board noted the complainant’s concern about this advertisement. The Board noted that the person depicted in the advertisement is a mariachi entertainer in Australia. The Board considered that the matters inferred from the advertisement by the complainant – such as those relating to the untrustworthy nature of Mexican people - were unlikely to be inferred by other members of the community. The Board considered that the tone of the advertisement was light-hearted and consistent with its previous similar advertising and that the advertisement would be unlikely to be seen as demeaning to people of Mexican ethnicity.

The Board considered that the advertisement did not vilify or discriminate against people on account of their ethnicity or race.

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