



CASE REPORT

1. Complaint reference number	3/00
2. Advertiser	McDonald's Aust Ltd (Double Beef 'n' Bacon Burger)
3. Product	Restaurant
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5 Health and safety – section 2.6
6. Date of determination	Tuesday, 8 February 2000
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement commences with a scene of a man of rural appearance driving a utility motor vehicle with a dog on the vehicle's rear tray. He is shown searching through a cooler bin on the front passenger seat, apparently looking for something to eat, and says 'Bugger' when he realises that it is empty. He then notices a McDonald's sign, pulls into the drive-through and is asked for his order. As he frowns and pauses to consider his decision, the dog appears to say 'Burger'. In the final scene, the man is shown eating a hamburger, while the dog sniffs at the food, is ignored by the man and then appears to say 'Bugger'.

THE COMPLAINT

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

"The word 'bugger', in literal and current legal terminology, is 'one who practises bestiality or sodomy'. This is, arguably, one of the most offensive words in the English language."

"The driver looks into his esky on the passenger seat thereby taking his eyes off the road in front of him ... I do not think our Police Department would be amused with an example depicting that it is alright to take your eyes off the road while you are driving a motor vehicle."

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics ('the Code').

The Board, while appreciating the complainants' personal points of view, felt that the language used in the advertisement did not offend prevailing community views and did not breach the Code on this ground. Board members noted that language is a fluid concept which changes with the times and that the word 'bugger' was an example of a term which currently was used innocuously and widely in the Australian community. The Board also determined that the man's actions in momentarily diverting his eyes from the road while driving was so brief as not to constitute a breach of prevailing community standards on safety issues.