



CASE REPORT

1. Complaint reference number	389/07
2. Advertiser	McDonald's Australia Ltd
3. Product	Restaurants
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Monday, 19 November 2007
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

There are two similar television advertisements each featuring a nervous young teenage boy anxiously waiting for his driving instructor to proceed to a test for his driver's licence. With the examiner taking him through his paces the boy mucks up a parallel reverse park and is very apprehensive of passing. When he returns home, he shows his Mum his new licence and points to her car keys. She gives them to him, advising him to be careful, and he is then seen with friends in the car arriving at the drive-thru window at McDonalds. As he and the attendant stretch to pass over and collect his order, it can be seen that in his inexperience, he has pulled in too far away from the serving window. The advertisements conclude with the driver and his passengers eating their meals in the McDonald's car park, the view showing that the car is parked crookedly across two spaces.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

More than one passenger leads to many distractions for a new driver. This McDonalds ad encourages inexperienced P plate drivers to fill their car with passengers.

I was astonished to think that an advertiser would pile in a car load of kids - obviously they had to drive there and drive away. I believe it is a dangerous mix to have a car full (5 kids in total) of young boys, a time of celebration and on his first "on his own" drive of the car. Does McDonalds have any consideration for community sentiment and sensitivity on this issue? I don't think so.

We are killing more people every year on our roads yet McDonalds is promoting having fun behind the wheel regardless if you can drive with any degree of real experience and confidence. IT is just sending the absolute wrong message to our youth (sic).

I have seen too much teenage death, we are trying to discourage this type of behaviour in cars and carrying a number of passengers, yet, this ad depicts (sic) a young driver on his first solo trip with a car full of mates. All miss (sic) behaving and distracting the driver. This ad is irresponsible to say the least.

I am appalled at this ad it absolutely sends out the wrong message about safe and responsible driving. I feel this ad should never have been allowed to go to air ... McDonalds should be promoting good examples of decision making in our youth not a stupid one like this.

It portrays that even if you do not drive correctly you still pass the test, and even highlights that he can't even get close to the drive thru counter and park in the correct manner- this just typifies why even when they can't drive properly they pass the driving test, and then we wonder why there are so many accidents with young people

This I think says to the young people of today once you have your licence you don't have to worry

about how you park because you now have your licence.

It portrays that teenagers can have the keys to the car as soon as they pass their license. Also it's not appropriate to show a bunch of teenagers go off in car the minute one of them gets their license. With all the accidents happening, it certainly is not a responsible add.

Encouraging young drivers to go out with their friends as soon as they get their licence. Whilst that is not a concern, the talking/joking and bad driving/parking is not taking the high accident rate amongst young drivers seriously.

I believe that this advertisement promotes unsafe driving practices. At present, there is a huge problem with road fatalities, disproportionately involving young, often male drivers. First of all, to show that he failed to correctly parallel park, as well as not being able to drive through the drive-through, or park in the car park, and then that he got his licence nonetheless is ridiculous, it sends the message that you don't need to be able to drive in order to get a licence. For the many young people, such as myself, on the roads this is a dangerous message to send as many feel that they are invincible on the road. The advertisement then shows him, driving for what you assume is the first time on his own after getting his licence, driving around a car full of teenage boys, and this image is extremely reckless.

This ad is sending a lets muck around in a car to young drivers.

THE ADVERTISER'S RESPONSE

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

As one of the largest employers of youth in Australia, McDonald's Australia is committed to the safety of young people. Our new brand advertising campaign was developed to capture and communicate some of the real emotions that are felt when an individual achieves a major milestone in their life... like passing their driving test and celebrating their excitement with friends.

Throughout the development of this campaign we consulted with VicRoads to gain their approval. We sought approval regarding acceptable driving behaviour as well as the Code. And, whilst shooting the commercial all safety precautions were taken including police escorts for all driving shots. We also deliberately included a scene within the commercial where the mother voices "be careful" to her son upon handing her keys to him.

Like all our commercials the TVC was put it into research to gauge customer reaction. Our research findings were that passing a driving test was a major milestone for the majority of people and remained one of their greatest memories. No one from research groups raised concerns surrounding either the storyline in general or the number of young boys in the car.

The aim of the campaign was to reflect and illustrate the feelings and emotions consumers have towards the McDonald's brand.

We do not believe that this TV commercial depicts a scenario contrary to prevailing community standards on safety.

This ad is currently scheduled to air nationally on Sunday 11th November and Monday 12th November. After this time we do not intend to air this TV ad again.

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 complainants' concerns that the theme of this advertisement (a newly licensed boy's first drive on his P plates) and the images of the boy driving his mates to McDonald's was a depiction of material that is contrary to prevailing community standards on safe behaviour by young people in vehicles.

The Board noted that in NSW it is now illegal for a P plater under the age of 25 to carry more than

one passenger under the age of 21 in the car between 11pm and 5am and that the depiction of the car load of boys was not illegal.

The Board also noted that the advertiser did take care to show the boy very carefully taking his test and his mother urging him to be careful as she gives him the keys to the car.

Despite these issues the majority of the Board considered that the advertisement did depict material that is the subject of significant community concern in Australia ie: young people, particularly boys, driving with car loads of friends, and ending up in accidents. Although no accident was depicted, and the images such as stopping too far away from the window and parking across several parks are harmless, the Board considered that the advertisement did depict material that is contrary to prevailing community standards on safe behaviour for young P plate drivers. Of particular concern were the images of the boys talking and joking while the car was being driven, and fooling around in the car while eating (despite the car not being in motion at the time). The Board also noted the image of the boy driving with only one hand on the wheel.

The Board determined that the advertisement breached section 2.6 of the Code and upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

We acknowledge receipt of the decision.

I'm instructed the TVC in question has already concluded airing.