



CASE REPORT

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| 1. Complaint reference number | 448/09 |
| 2. Advertiser | McDonald's |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination | Wednesday, 14 October 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television commercial depicts a maths online program whereby the children at school are using a tool that assists children with learning mathematics. On one real screen shot from the Maths Online program which is being used by a student, the screen shows the phrase "some old hags can't always hide their age". This sentence is a trigonometric memory tool.

THE COMPLAINT

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

There are a million things that could be written on the whiteboard, but it seems like a man on the set with a chip on his shoulder has put this up. If this is what is on tv, then what else are the kids going to learn, once their school is registered! Some bitter stupid male woman hater teaching our children????

THE ADVERTISER'S RESPONSE

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

We have reviewed the television commercial in light of Section 2.1 of the AANA Advertiser Code of Ethics, and we are of the view that no breach of this section has been committed. We write to you to provide the items you have requested and also to give our views on the matter.

The complainant has referred to a maths lesson written on a whiteboard with the words "Some Old Hags Just Can't Hide Their Age", however we believe the complainant is referring to a maths lesson shown on a computer screen rather than a whiteboard. In the scene, a real screen shot from the Maths Online program is shown being used by a student. The Maths Online program is a mathematics tuition program based on curricula for high school grades seven through to twelve. The screen shot the complainant refers to shows the phrase "Some Old Hags Can't Always Hide Their Own Age". This phrase is a mnemonic (memory aid) taught to help students remember the trigonometric ratios - Sine equals Opposite over Hypotenuse, Cosine equals Adjacent over Hypotenuse and Tangent equals Opposite over Adjacent. This phrase is in no way intended to, nor does it, discriminate against any person or group, and is simply a little phrase that has been used for many years to help students recall the rather complicated sine, cosine and tangent functions in trigonometry. The orange highlighting referred to by the complainant highlights the parts of the mnemonic phrase that relate to the problems that the student is working on.

The complainant's reason for concern was that "there are a million things that could be written on a whiteboard but it seems that a man on the set with a chip on his shoulder has put this up". This is

clearly not the case; the phrase is embedded in the computer program (not written on a whiteboard) and is merely a mnemonic aid to help students recall a complicated mathematical formula with absolutely no discriminatory intent or effect.

We agree that the shots of school children at school only show male students, this is because of the schools we approached to participate in the filming of the commercial, at the time the only school willing and able to take part was an all boys' school. The Department of Education would not allow us to film at a State school so our choice was limited to independent schools, and although we approached a mix of co-ed schools, boys' schools and girls' schools, the first school to make itself available to us was a boys' school. The student using maths online at the beginning of the commercial is a female student, and the television commercial repeatedly highlights the fact that Maths Online is available to every secondary school student in Australia. The commercial does not make a gender based distinction and is not discriminatory, and makes it clear that the program is available for use by all secondary students across Australia regardless of their gender or what type of school they attend.

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.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability, or political belief."

The Board noted that the complainant's objection to the reference "old hags" was a fair comment and generally, would be considered an undesirable term. However, the Board were of the view that the term was used in the context of a well-known trigonometry "memory peg" and as such, although distasteful, was relevant to the text of the product which was an online maths tool for children. The Board also noted that the particular image was very brief and unlikely to be able to be read without pausing the advertisement. The Board noted that its role is not to mandate what ought be unacceptable in the contents of a product, but rather to consider and weigh the interests of the prevailing community standards in relation to the content of advertising and marketing communications. The Board agreed that the advertiser had explained in their response the reason for the statement "old hags" and as such, found that most people in the community would not be offended by the memory peg. The Board agreed that the advertisement did not breach section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.