



## **CASE REPORT**

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|-------------------------------|---------------------------------------|
| 1. Complaint reference number | 51/08                                 |
| 2. Advertiser                 | McDonald's Australia Ltd (Front Seat) |
| 3. Product                    | Restaurants                           |
| 4. Type of advertisement      | TV                                    |
| 5. Nature of complaint        | Health and safety – section 2.6       |
| 6. Date of determination      | Wednesday, 12 March 2008              |
| 7. DETERMINATION              | Dismissed                             |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement shows the driver of a car passing his front passenger a large bag of food collected from a McDonald's drive-thru service. The passenger immediately digs into the bag and stuffs his mouth full of french fries, as the two male passengers in the back seat complain and hassle him to pass the food back to them. Text on screen appears "love the front seat".

## **THE COMPLAINT**

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

*With the ongoing alarming road "accidents" involving, in particular, young males, who have been "hooning" and distracting drivers, this advertisement gives the wrong message to young drivers and their passengers and puts emphasis on the fact that it is acceptable to be involved in distracting behaviour. Such behaviour often leads to the driver being involved and is quite frequently followed by the tragic loss of life of innocent victims.*

## **THE ADVERTISER'S RESPONSE**

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

*The advertising execution in question, 'Front Seat' was developed as part of a campaign which captured and communicated some of the real personal experiences that our consumers have with our brand.*

*The commercial humorously depicts the reality that the front seat passenger usually benefits from being the first to receive (and enjoy) food from the drive thru, before sharing it with back seat passengers. In the commercial, all men were wearing seat-belts. The scene takes place in the McDonald's Drive Thru lane and not on a public road.*

*Like all our commercials the TVC was put into research to gauge customer reaction. Our research findings were that this particular execution resonated very strongly with consumers. No one from our research groups raised any safety concerns.*

*This short commercial does not depict material contrary to prevailing community standards on health and safety.*

*We have plans for this commercial to air in regional markets until the end of February. In the future, we may wish to schedule this commercial nationally on an ad hoc basis.*

## **THE DETERMINATION**

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

The Board viewed the advertisement and noted that the men pictured were mature tradesmen. It further noted that the men did not engage with the driver in any way, nor did they distract or bump him. The Board considered that there was no reason for the driver to break concentration as he was not interfered with in any way by his passengers.

The Board determined that the advertisement did not depict unsafe behaviour that would contravene prevailing community standards on health and safety.

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