



CASE REPORT

1. Complaint reference number	525/09
2. Advertiser	Hungry Jacks
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts three young men being wheeled out of Hungry Jacks on a trolley with a stunned look on their faces. The voice over says "*stunning value now comes in three sizes, Hungry Jacks stunner sizes ...*".

THE COMPLAINT

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

It looks as if the older man is waiting for young men to enter the restaurant, and proceeds to follow them inside, they look like they have been drugged and taken away, by the man that was waiting out the front of the restaurant.

THE ADVERTISER'S RESPONSE

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

Hungry Jack's as a responsible advertiser takes its role very seriously and indeed reviews its concepts and ads against the AANA Advertiser Code of Ethics as part of its development process. We would never ever consider or contemplate any impression or association with drugs or drugging people.

In particular response to this complaint:

We have used the "stunner" concept ads for over 2 years now and in more than 8 different executions. The "stunner pose" has been a consistent theme throughout all these communications and is always a consumer upon hearing & seeing the great value of a "stunner deal" goes into a frozen pose with his/her 2 hands held up to their face as if holding and about to eat a Hungry Jack's burger. The value message is powerful in that the consumer gets a delicious burger, fries, drink and dessert for less than \$5 ... this is such great value they are immediately stunned.

The pose has been used to order a burger (stunned pose in front of the cashier) or as a reaction to seeing and or hearing the deal. The humour of this campaign has been so successfully embraced and adopted by the consumers that we regularly get customers coming into the Hungry Jack's store and doing the stunner pose to order a stunner deal, there are a number of video mimics of consumers doing Stunner poses etc on YouTube.

As with all stunner ads this ad "removal man" is conveyed in a light hearted and tongue in cheek manner. The idea is that there is so many people walking in to

get a stunner deal that Hungry Jack's have employed a removal man to take the stunned customer and their meal to a seat in the restaurant where they can enjoy the stunner meal. The young men are clearly seen at the end of the tv to be seated and enjoying their burgers and laughing together as a social group. We steadfastly refute the complaint made that the ad has anything to do with drugging people and urge the ASB to dismiss the complaint.

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 that the young men looked drugged.

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

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: "*Advertising of Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*"

The Board noted that the advertisement was appealing to a younger target audience and that although some members of the community may not appreciate the humour that the advertiser was intending to convey, the advertisement was clearly not intended to be taken seriously nor was it portraying young men on drugs.

The Board agreed that the advertisement was trying to convey a message of being stunned by the value that was available for the size of the meals at Hungry Jacks.

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