



## **CASE REPORT**

1. Complaint reference number	55/05
2. Advertiser	McDonalds Aust Ltd (train)
3. Product	Restaurants
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 12 April 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The television advertisement shows a passenger train travelling along a single track at speed. The train driver's assistant is notified that there is a problem with the track ahead. The train driver and assistant struggle in an attempt to stop the train as soon as possible. Members of the train crew use all their strength to apply the hydraulic brake. The crew are unable to control the train. Suddenly a McDonald's staff member enters the front carriage of the train. The train crew relax. The image fades and the text "McDonald's crew can handle anything" appears on the screen.

## **THE COMPLAINT**

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

*"I found it highly offensive and inappropriate considering the tragedies that have occurred in the past involving train wrecks and the loss of life as a result."*

*"Locomotive driving is a highly skilled and responsible profession which requires years of complex training. The depiction of locomotive drivers as ignorant, unskilled and unprofessional denigrates their standing. Given the extraordinarily high level of fatalities and critical incidents facing locomotive drivers ... such an incident is highly traumatic."*

## **THE ADVERTISER'S RESPONSE**

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

*"The advertisement is part of a campaign produced to celebrate the fact that our employees can accept responsibility whilst showing confidence, competence and reliability in serving our customers. The intention is to celebrate our employees ... the general tone of the TVC is light-hearted and clearly employs a melodramatic situation akin to the old style "cliffhangers" that used to be shown in movie theatres."*

*"It was never McDonald's intention to cause offence to any group of people given the type of approach employed."*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board was of the view that in the context of prevailing community standards, the majority of people would find this advertisement humorous rather than offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the

portrayal of people.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.