



CASE REPORT

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| 1. Complaint reference number | 554/09 |
| 2. Advertiser | Nando's |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 9 December 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement for Nando's has the prominent text "Portugasm" in front of a rainbow style design. Below this text is the description "The elevated state achieved through dining on Portuguese PERi-PERi chicken".

The Nando's logo is at the bottom of the Billboard with the phrase "Truly Enlightened Portuguese Dining".

THE COMPLAINT

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

Offensive, has sexual connotations.

This chicken recipe came from Portugal so the word Portugasm is derived from Portugal and Orgasm.

Kids and families will be coming across this and it is shocking.

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to respond.

I would like to refer the Board to the findings of Case Report 222/09 which reviewed the use of the fictitious word Portugasm in June this year. The Board found that it was a made up word which does not have any explicit sexual meaning and therefore does not breach Section 2 of the AANA Advertiser Codes.

Following the finding in June 2009, we have deliberately continued to provide a definition for Portugasm on our marketing materials, ensuring that there is no express or implied sexual reference.

Below is a sample of the voucher which is distributed in our restaurants. The definition of Portugasm is highlighted in the red heart shape and is as follows: "The elevated state achieved through dining on Portuguese Peri-Peri chicken".

As the Board acknowledged in June, the intention of this campaign is to describe the pleasure achieved from consuming Nando's food.

On this basis we believe that there has not been any inappropriate use of sexuality or language and that Section 2 of the Code has not been breached.

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 complainants' concerns that the advertisement is sexually suggestive by use of the term 'portugasm'.

The Board noted that the word 'portugasm' is a made up word and does not have any explicit sexual meaning. The Board considered that the intention of the advertisement is meant to be suggestive of 'orgasm' but in the sense of a description of pleasure achieved from consuming the product. The Board considered that any sexual connotation in this advertisement is discrete and unlikely to be taken as sexual by children or indeed by many people in the community.

The Board determined that the advertisement did not use strong or obscene language and did not use inappropriate language and therefore did not breach section 2.5 of the Code. The Board also determined that any sexual connotation was unlikely but in any case was very discrete and not inappropriate for the relevant audience. The Board determined that the advertisement did not breach section 2.3 of the Code.

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