



## **CASE REPORT**

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| 1. Complaint reference number | 597/09  |
| 2. Advertiser                 | Hungry Jacks  |
| 3. Product                    | Food & Beverages  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Nationality – section 2.1<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 20 January 2010  |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Hungry Jacks for its Angus burger product features a Scottish pipe band marching in the streets. The band leader says in a slightly annoyed and loud voice: "You'd think I'd be pleased that Hungry Jacks named its new Angus burger after me". He then explains the burger ingredients. After the description he asks: "But did they name it the handsome Angus, the clever Angus, the intelligent Angus?". Then a voice over says: "No we named it the Angry Angus". The band leader then stops at a drive through order booth at a Hungry Jacks store to make a complaint and to order 12 burgers. The advertisement ends with a screenshot of the company logo and a voice over saying: "The burgers are better at Hungry Jacks".

## **THE COMPLAINT**

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

As a Scot I find the advert totally offensive. It attempts to stereotype Scottish men in a fashion that is not true and is basically racist. Were Asian people, or coloured people or women portrayed in such an outrageous stereotypical fashion there would have been a huge outcry from all sections of society. As such it is totally out of order and the advert should be pulled on ground that it is indeed racist.

My children alerted me to this Ad. It is ridiculous to me that the policies of all drive through services, eg: Hungry Jacks, Mcdonalds etc, DO NOT ALLOW pedestrians to walk through these drive through points, yet these 12 Scotsmen are walking through and ordering their burgers in the drive through area. My children stated to me that this is not allowed and they will get run over. I feel that this ad is encouraging people to do the same. I cant believe that Hungry Jacks seem to be encouraging people to do so.

## **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 marketer takes its responsibilities very seriously and carefully considers its advertising and promotion. Hungry Jack's is also a responsible employer and takes its obligations for the safety of its employees and customers extremely seriously at all times in the environs of its premises including carparks and driveways.*

*In reference to the complaint 597/09. Part 1 The drive thru window is signposted to be available for motor vehicles and motorcycles only and a s such does not serve foot traffic in any form. The ad depicts a "Marching Band of Scotsmen" marching in the car park and up to the drive thru box. This is clearly a spoof and the marching of the Angry Angus and his band of men and women is purely there for humorous effect. They are not seen to be served in any way by the Drive Thru. This*

*a just a spoof on a band of Scotsmen and the introduction of a new burger called the Angry Angus. We reject that this encourages people to order at the drive thru on foot as the signage and policy prevent this from happening.*

*In reference to the complaint 597/09. Part 2 .The complaint of racial vilification by the use of Scotsmen as a stereotype. Firstly the Writer is a Scotsman, the Film Director is of direct Scottish heritage and the Main Character is a Scotsman and is therefore acting in his own character. A number of the other marching band members were also of direct Scottish descent. This ad portrays correctly and in uniform a Scottish Marching band playing traditional highland music and is a correct representation of that. The Humor is generated by the leader of the band whose name is Angus, a traditional Scottish name and his commentary about the Angry Angus Burger, which he humorously believes to be named after him. This portrays the music, uniforms and marching correctly and the humor is derived solely from the cantankerous personality of the leader Angus. We utterly reject, as do the Scotsmen involved that this in any way could be described as Racial Vilification.*

## **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 discriminates against Scottish people and that the advertisement depicts unsafe behaviour in the Scottish band ordering food at the Drive Thru box.

The Board considered section 2.1 of the Code which requires that: '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...'

The Board noted that the advertisement depicts a Scottish Pipe Band and the Band Major talking about the new Hungry Jack's product the Angus Burger. The Board noted that the burger is made from 'Angus' beef - a breed of cattle which originated in Scotland. The Board considered that association of Scottish things with Angus beef is common and is not an association that discriminates against people from Scotland. The Board noted that the character is depicted as Angry Angus. The Board noted that Angry Anderson is a personality in Australia and that the Angry Angus name is meant to be a reference to a well known Australian personality. Regardless of these associations the Board considered that the naming of the man as Angry Angus was done in a manner that juxtaposed a number of names and would be likely to be considered humorous by most people in the community. The Board considered it unlikely that Scottish people would be offended by the advertisement and determined that the advertisement did not breach section 2.1 of the Code.

The Board noted the depiction of the Pipe Band ordering food at the Drive Thru box. The Board noted that it is company policy of most fast food providers not to serve pedestrians in this manner and noted that the Band are not served. The Board considered that the image of the Band (which traditionally walks to perform) is an image unlikely to encourage copycat behaviour and that the advertisement did not depict material contrary to prevailing community standards on health and safety.

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