



CASE REPORT

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| 1. Complaint reference number | 85/08 |
| 2. Advertiser | Hungry Jacks (apprentice) |
| 3. Product | Restaurants |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2 |
| 6. Date of determination | Wednesday, 12 March 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young apprentice on a building site advising the foreman that he has asked his workmates what they want to eat for lunch, and is puzzled at their response, which is to stand immobile with their hands poised as if holding a hamburger. The foreman explains the pose means "Bacon Deluxe Stunner" meals all round. As the apprentice still looks confused, a male voiceover explains "You get a flame grolled Bacon Deluxe, regular fries, regular Coke and a Storm dessert...all for just \$5.95." As the workmen enjoy their meals, the apprentice is seen to be standing in the same pose as his workmates were, as the foreman asks them "Didn't he get one?" One builder replies "Nah - we just make him stand that way."

THE COMPLAINT

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

Australia is overcoming the "portrayal (sic) of Apprentices getting treated like crap". This add is having a dig at an Apprentice. I found it to be not amusing and disrespectful to any young person who is out there learning a trade. I also think it is not helping the young people be treated with respect in any workplace.... This add is definately pin pointing young people as a "goaffer" (sic) and I dont think its appropriate (sic).

THE ADVERTISER'S RESPONSE

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

As a leader in the Australian Quick Service Restaurant Industry, Hungry Jack's takes its corporate responsibilities very seriously and is quite rightly proud of its reputation for responsible marketing at all levels of the community. As a rule we generally receive very few complaints about our advertising and are naturally concerned when we do, particular if they raise issues of respect for young people in the workplace.

As a major Australian employer of young people, Hungry Jack's knows very well how important it is to ensure young people are treated with respect in the workplace. We would never set out to deliberately mistreat anyone, especially young people. Over the years, many thousands of young Australians have started their working lives and indeed their careers with us and we have been proud to nurture them and help them become capable and responsible employees. That quite a few have decided to stay on with us and work their way up into senior management roles with the company is testimony to how we have treated them in the past.

The advertisement in question is just one in a new series of commercials designed in conjunction with our advertising agency, MJW Advertising. The essential concept behind our new campaign is based on a longstanding campaign theme that the burgers are not only better at Hungry Jack's but

they are often bigger. Our flagship product, the Whopper, has been often promoted over the years with the line “it takes two hands to handle a Whopper”.

From this we have created the idea of a “Burger Club” where all members, who are lovers of Hungry Jack’s burgers, can share a “secret” hand signal that signifies their love of, or desire for a burger. We launched this campaign in November 2008, featuring a young guy who works in an office who goes to Hungry Jack’s and buys his first Whopper. When he does, the manager, a girl in his office and even his boss, signal their welcoming of him into their burger club, by holding their two hands up in the shape they’d have if they were actually holding a Whopper.

From there, we extended the campaign concept to embrace our special value offers, which we call “Stunner Deals”, which incorporate a burger, fries, soft drink and dessert priced so that people will be “stunned” by the value. The first commercial in this series also aired before Christmas and showed a young man standing at the counter of a Hungry Jack’s with his hands in the burger shape in front of his face and a rather “stunned” looking expression on his face. This was to signify to the girl behind the counter that he wanted the latest “Stunner Deal”.

The campaign has met with considerable success and so we decided to extend it to incorporate another burger in our menu lineup – the Bacon Deluxe burger.

This burger is currently being promoted with another commercial which features a group of men on a building site. The foreman on the site decides to signal to his workers that it’s time to break for lunch, but because of the heavy equipment they are using and the noise it is making and the fact they are wearing their safety earmuffs, they cannot hear him. So he gives them the Hungry Jack’s Burger Club Hand Signal and they instantly know it’s time to eat. They stop what they are doing and turn and acknowledge him and their fellow workers with the signal. It’s all done with a bit of a smile.

The second commercial in this series is the one being complained about. Because it is a “Bacon Deluxe Stunner Deal” it combines two elements of the previous two commercials. First it is set on the same building site and uses the same cast of characters. Second it features the characters on the site, all standing around in the same “stunned” pose as the first stunner deal commercial.

The essential concept behind this commercial is this. Everyone on the site has their turn at finding out what the others want to eat – gathering up the “lunch orders” so to speak. On this particular day, our boss has asked one of the young guys on the site to take the lunch orders. He goes off to do so but comes back to the boss as he is puzzled by what he sees. The boss comes out, sees the guys on site all standing around in their “stunned” poses and he knows straight away what they all want – “Bacon Deluxe Stunners all round!” It’s their way of ordering their lunch. They all go off and get their lunch orders then return to eat them. As a gag at the end of the commercial we see the young guy has not yet received his lunch order and is so still standing in the stunned pose, like all the others were earlier.

The overall tone and manner of this particular commercial is like all others in the campaign – lighthearted, a bit of humour, a bit tongue in cheek. It’s a bit hard to take people standing in a “stunned” pose any other way.

But specifically we note that there is nothing that the young man in the commercial is doing or being asked to do, that any of the other guys on the site aren’t also doing themselves. In the first commercial, previously mentioned, it is the boss who decides to tell the guys to break for lunch and by implication, take the lunch orders. In the second commercial – Bacon Deluxe Stunner – it is the young guy who is asked to gather up the lunch orders, but it is the boss who is seen going off to get them when he says “Looks like Bacon Deluxe Stunners all round.” Also, it is the standing in the stunned pose that indicates you want to order a “Stunner Deal” so you are placing your lunch order. All the guys on the site do it and then, at the end, we see our young guy doing the same, placing his order by standing in the same pose.

Note that there is nothing in the commercial that portrays this character as being mistreated or harmed in anyway. On the contrary, he is not being portrayed as doing anything that all the other guys haven’t already done. And all that is, is to assume a slightly amusing pose.

Hungry Jack’s does not support or condone any workplace practices which would encourage anyone to be mistreated and we would certainly not portray this in our TV commercials.

We note that the complaint only applies to the 30 second version of our TV commercial. The 15 second version of the commercial does not have time to show the young guy at the end, but simply finishes on our builders eating their burgers. In some markets, such as NSW, the 15 second version is the only one playing.

We also note that both commercials in this Builders series, including the one in question, were shot on a building site and so Hungry Jack's and its advertising agency and film production house took particular attention to research the appropriate health and safety standards for building sites today, in order to ensure that we showed our builders complying with all the relevant standards. In fact, even though some of the standards were not applicable to our particular location, we went out of our way to ensure that we depicted our builders in the safest possible light. For instance, in both commercials, everyone on the site is wearing a bright, fluorescent safety vest. Everyone is wearing a hard hat when working. Everyone shown operating equipment or machinery is wearing safety earmuffs and safety goggles. And all workers depicted as being above ground are protected by a safety barrier built around their working area.

On the days of filming the commercials we had a fully qualified safety officer on location to ensure that all members of the crew, including the cast, practised the highest possible standards of occupational health and safety.

We always have and always will respect and honour all relevant workplace safety laws wherever we operate, including when producing our TV commercials.

We respectfully request that this complaint against our advertisement be dismissed on the grounds that it does not intend to portray anyone disrespectfully. It's only intention is to raise a smile.

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 concerns of the complainants that the advertisement depicted bullying and workplace harassment. The Board takes these issues very seriously and reviewed the advertisement under Section 2.2 of the Code which deals with the portrayal of violence.

The Board noted that the apprentice was not physically harmed in any way. They considered that the image of the apprentice standing with his hands raised to his mouth (in the same way the other men had been posing earlier in the advertisement) was an incidental image and not the focus of the advertisement.

The Board further noted that advertisement was attempting to be humorous in its depiction of the men's desire for a burger. Whilst the Board felt this humour fell short, as the meaning of the advertisement was unclear unless it was viewed with all of the advertisements in the series, the Board felt that advertisement was light hearted and not representative of workplace bullying. The Board determined that the advertisement did not portray violence and that it did not therefore breach Section 2.2 of the Code.

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