

<b>COMPLAINT NUMBER</b>	17/154
<b>COMPLAINANT</b>	G Tirado
<b>ADVERTISER</b>	BurgerFuel
<b>ADVERTISEMENT</b>	BurgerFuel, Digital Marketing
<b>DATE OF MEETING</b>	13 June 2017
<b>OUTCOME</b>	Not Upheld

### **SUMMARY**

The digital advertisement for BurgerFuel's Smack & Cheese Burger is a parody of law enforcement officers stopping a vehicle on a smuggling route where the alleged drugs discovered is macaroni, an ingredient in the new burger.

The Complainant raised concerns about the racial stereotyping of Colombian people, and the constant connection to drugs and cartels.

The majority of the Complaints Board agreed that due to the satirical nature of the advertisement and its placement in a digital environment to a target audience similar to that of the Narcos series, the advertisement did not reach the threshold to cause serious or widespread offence

In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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### **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to the Code for Advertising Food Principle 1 requiring a due sense of social responsibility and Basic Principles 3 & 6 of the Code for People in Advertising. Principle 3 required the Complaints Board to consider whether the advertisement portrayed people or used stereotypes in a manner which, taking into account generally prevailing community standards, was reasonably likely to cause serious or widespread offence, or offence on the grounds of their gender, race colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status. The Complaints Board noted Basic Principle 6 of the Code for People in Advertising allowed for humour and satire as natural and accepted features of the relationship between individuals and groups within the community.

**The Complaints Board ruled the complaint was Not Upheld.**

### **The Complaint**

The Complaint said the advertisement was “offensive and disturbing” and using the “the unfortunate and painful facts around the problematic -related with the effects of the country war between drug cartels- suffered back in the 80's and 90's by more than 40 million of Colombians” was not acceptable.

The Complainant said “these ads proclaiming that the secret recipe of the new Burger has been brought from the “hills of Colombia” to make it highly addictive. The history clearly is based in the criminal life of Pablo Escobar, the deadliest drug lord of history.”

The Complainant was disappointed that this type of advertisement was able to be screened in New Zealand and said “This, far away of being funny or creative, is a clear sign of the lack of empathy and respect from this company towards the pain of a country and its people, that had to suffer all the painful consequences of the indiscriminate violence through the last decades.”

### **The Advertiser’s Response**

The Advertiser’s response confirmed that the Smack & Cheese burger advertisement is a play on the popular 2015 Netflix series, Narcos. The Advertiser considered the advertisement used satire and tongue-in-cheek humour to promote the addictive qualities of the burger. In the Advertiser’s view the level of hyperbole was clear and it said that Narcos was a programme widely watched and advertised in New Zealand.

The Advertiser stated that it had only received a minimal number of complaints and did not consider the advertisement had caused serious or widespread offence.

### **The Complaints Board Discussion**

The Complaints Board acknowledged the sincere concerns of the Complainant and the offence caused by portraying matters related to drug cartels in Colombia in a humorous or light-hearted way to sell burgers.

The majority of the Complaints Board accepted the advertisement intended to parody the Narcos television series and not trivialise the damage that the drug culture has done in Colombia. The majority of the Board agreed the placement of the advertisement in digital media targeted at the 18-34 age audience likely to recognise the parody meant the advertisement did not meet the threshold to cause serious or widespread offence.

The Board noted that Basic Principle 6 of the Code for People in Advertising allowed for a level of satire within advertising. In the Complaints Board’s view, the message in this advertisement was in bad taste, but its satirical content and the parody on the Netflix television series Narcos, would be recognised by the intended audience. Therefore, the advertisement did not breach Principle 1 of the Code for Advertising Food or Basic Principles 3 and 6 of the Code for People in Advertising.

A minority of the Board disagreed and said the advertisement had used a racial and cultural stereotype in a way that was likely to cause serious offence and the intended satire and humour were not enough to save it. The minority of the Board said the advertisement was in breach of the Code for Advertising Food and the Code for People in Advertising.

However, in accordance with the majority, the complaint was not upheld.

## DESCRIPTION OF ADVERTISEMENT

The digital advertisement for BurgerFuel's Smack and Cheese burger is a parody of the crime web television series Narcos which is set in Colombia and focuses on the drug trade. The advertisement opens with a convoy travelling along a BurgerFuel smugglers route. The voiceover says "Imagine you had everything you ever wanted – money, cars, chicos and burgers". The truck is stopped by law enforcement officers and the suspected smuggler says "Do you like burgers? Perhaps you would prefer something else?" A package is opened revealing the content to be dried macaroni. The smugglers pay a bribe to the officers and leave one officer eating the new Smack and Cheese Burger featuring the macaroni.

## COMPLAINT FROM G TIRADO

I have recently learnt the fact that this company (Burger Fuel) has launched a new burger "Smack & Cheese" using for their marketing campaign a set of ads based in the recent Netflix series "Narcos/Pablo Escobar's life", as it can be seen in the URL that I am posting at the end of this complain.

These ads have been used in YouTube, links in social media and also their website (as far as I can see) and probably also in TV and newspapers of national circulation.

I am of Latin American descent (Colombian) and find it very offensive and disturbing that this company is using the unfortunate and painful facts around the problematic -related with the effects of the country war between drug cartels- suffered back in the 80's and 90's by more than 40 million of Colombians.

It is hard to be a witness of how this advertisement has brought to the mind of people that in fact, does not know a single positive thing about Colombia, that there's is nothing more in Colombia than drugs and cartels. These ads proclaiming that the secret recipe of the new Burger has been brought from the "hills of Colombia" to make it highly addictive. The history clearly is based in the criminal life of Pablo Escobar, the deadliest druglord of history.

I have been related more than once to those histories , spotted as a Colombian and been enquired about these facts, which beyond than fantastic, took the life of thousands of people in Colombia spreading it's deadly effect for more than 3 decades all across the country.

I find it really surprising and disappointing that in New Zealand, a so called "inclusive" country, an advertisement like this is permitted to be on air.

This, far away of being funny or creative, is a clear sign of the lack of empathy and respect from this company towards the pain of a country and its people, that had to suffer all the painful consequences of the indiscriminate violence through the last decades.

## CODE FOR ADVERTISING FOOD

**Principle 1-** All food advertisements should be prepared with a due sense of social responsibility to consumers and to society. However food advertisements containing nutrient, nutrition or health claims, should observe a high standard of social responsibility.

## CODE FOR PEOPLE IN ADVERTISING

**Basic Principle 3:** Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to

cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

**Basic Principle 6:** Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

## RESPONSE FROM ADVERTISER: BURGERFUEL

We are responding to a complaint made by G Tirado to the ASA on the 16<sup>th</sup> May 2017.

We do not agree that the advert referred to breaches any standards laid out in the Advertising Standards Authority's Code of Practice.

### Code for Advertising food – Principle 1. Code for people in Advertising.

Basic principle 3: *“Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.”*

The current BurgerFuel advertisement for Smack & Cheese burger is a play on the popular 2015 Netflix series, Narcos. Using light-hearted, satire, tongue-in-cheek, humour to entertain viewers and promote our new special burger, it is clear from the start of the advert that it is dramatized and hyper-reality situation. Narcos is a programme widely watched by and advertised to, the people of New Zealand.

The advertisement has been promoted via a campaign utilising YouTube, Social Media channels (Facebook, Twitter, Instagram) and Edge TV. Social media especially has been carefully monitored to gauge sentiment. Sentiment has been largely positive.

As a clearly light-hearted take-off of Narcos and humorous portrayal the addictive qualities of our burgers, we do not feel that the advert, or characters within the advert have been portrayed in a way causes serious offensive to a particular community of people at all.

We have received a very minimal amount of complaints in comparison to the reach of our advertising and therefore do not feel that this campaign has caused widespread offence.

Basic principle 6: *“Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.”*

As stated above, the advertisement was a humorous, lighthearted and satirical play on the popular 2015 Netflix series, Narcos – as well as the addictive properties of our burgers.

It is clear from the start of the advert that it is a dramatized, comical, hyper-reality situation, and because of this, and the focus on the addictive properties of our burgers, we do not feel that the character portrayal (played by actors from Latin America) is offensive.

Due to this, and the very minimal amount of complaints we have received compared to the total reach of the advertising campaign to date we do not feel that the campaign causes widespread offence.