

COMPLAINT NUMBER	18/111
COMPLAINANT	R Hickling
ADVERTISER	Jack Links New Zealand Ltd
ADVERTISEMENT	Jack Links Beef Jerky, Radio
DATE OF MEETING	8 May 2018
OUTCOME	Not Upheld

SUMMARY

The radio advertisement for Jack Links Beef Jerky said “Man needs meat. You office workers need meat. It gives you the strength to laugh at your boss's inappropriate jokes. The energy for idle chit-chat at the coffee machine. And you know you can't spell meetings without "meat", right? Get some Jack Links beef jerky into your drawers, and I mean the ones under your desk - you don't need HR asking awkward questions again do ya? Jack Links. Feed your wild side.”

The Complainant said the advertisement was offensive as it made light of sexual harassment and the role of human resources in the workplace.

The Advertiser said the advertisement was one of a series in the Jack Links tongue-in-cheek, satirical campaign. It said there was no mention of what the inappropriate joke in the advertisement might be and it was not making light of the serious nature of sexual harassment or the role of Human Resources in an organisation.

The Media said the advertisement campaign contained satirical commentaries on different groups in society with the implication being that beef jerky is an ideal source of strength for dealing with the "challenges" of each group, in this case office workers.

The Complaints Board said there was nothing in the advertisement to suggest the inappropriate jokes made by the boss were of a sexual nature and the intended target audience of 18-45 year old males would appreciate the obscure humour of the established brand.

The Complaints Board said the advertisement did not contain any overtly sexual references and did not reach the threshold to offend against the prevailing community standards or cause serious or widespread offence.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chairman directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything which clearly offended against the generally prevailing community standards or was likely to cause serious or widespread offence taking into account the context, medium, audience and product. The Complaints Board was also required to consider whether the advertisement had been prepared with a due sense of social responsibility.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant said the advertisement was offensive as it made light of sexual harassment and the role of human resources in the workplace.

The Advertiser's Response

The Advertiser said the advertisement was one of a series in the Jack Links tongue-in-cheek, satirical campaign. It said there was no mention of what the inappropriate joke in the advertisement might be and it was not making light of the serious nature sexual harassment or the role of Human Resources in an organisation.

The Advertiser confirmed advertisement had aired across the NZME network of radio stations including ZM, Hauraki, Radio Sport and Newstalk ZB.

The Media Response

The Media said the advertisement campaign contained satirical commentaries on different groups in society with the implication being that beef jerky is an ideal source of strength for dealing with the "challenges" of each group, in this case office workers. It said the statements made in the advertisement were obscure and even if interpreted at the most extreme end of the spectrum would not cause widespread offense.

The Complaints Board Discussion

The Complaints Board started by discussing the likely consumer take-out of the advertisement. They agreed it employed the slightly obscure humour used by the Jack Links brand to imply that eating beef jerky will help office workers navigate their way through normal office politics.

The Complaints Board agreed with the Advertiser that the allusions made to any inappropriate jokes made by the boss were deliberately obscure and left to the audience to interpret. The Complaints Board said while the reference to "draws" and "drawers" in the advertisement could be interpreted as sexual, it was also a pun on a standard piece of office equipment that people often kept food supplies in.

The Complaints Board noted the intended audience was 18-45 year old males who would be familiar with the tone and quirky manner of the established Jack Links branding. The advertisement used a play on words such as meat/meeting and the double meaning of drawers which further demonstrated the irreverent humour the NZME radio audience would expect.

The Complaints Board said the advertisement did not contain any overtly sexual references and did not reach the threshold to offend against the prevailing community standards or cause serious or widespread offence. It also said the advertisement had met the required due sense of social responsibility. Therefore, the Complaints Board ruled the advertisement was not in breach of Basic Principle 4 or Rules 4 or 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The radio advertisement for Jack Links Beef Jerky said “Man needs meat. You office workers need meat. It gives you the strength to laugh at your boss's inappropriate jokes. The energy for idle chit-chat at the coffee machine. And you know you can't spell meetings without "meat", right? Get some Jack Links beef jerky into your drawers, and I mean the ones under your desk - you don't need HR asking awkward questions again do ya? Jack Links. Feed your wild side.”

COMPLAINT FROM R HICKLING

I find the advertisement offensive because it seems to suggest that there is something comical about sexual harassment in the work place or at least it is ok as long as you have the advertisers product ("You'll need the strength to laugh at your boss's inappropriate jokes"). I also find it offensive that the advertisement refers to the Human Relations department as something that exists to ask you questions about the content of your pants rather than serving the purpose of trying to keep the work place safe ("Something to put in your drawers, no not those draws. We don't want HR asking any more questions, now do we?"). I recognise that the advertisement is supposed to be funny, however sexual harassment and the work of HR departments are serious.

CODE OF ETHICS:

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 4: Decency - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5: Offensiveness - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

RESPONSE FROM ADVERTISER, JACK LINKS NZ LTD

Contact person for advertising complaints	Maurice Crosby – CEO, Jack Links NZ Ltd
Name and contact at creative agency	Rew Shearer – Senior Copywriter, NZME
Name and contact at media agency	Matt Patterson – GM Enterprise, NZME
A basic, neutral description of the advertisement	This advertisement “Office Workers”, is one of a number of radio commercials that are part of a long running campaign promoting the Jack Links brand and our products.
Date advertisement began	“Office Workers” first aired on 07 July 2017 and has been running intermittently since that first air date.
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	The commercial has aired across the NZME network of radio stations airing primarily on ZM, however also playing on Hauraki, Radio

	Sport and Newstalk ZB.
Is the advertisement still accessible – where and until when?	The advertisement is currently playing on rotation as part of the wider Jack Links campaign across NZME’s network of radio stations with no planned end date.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	
Who is the product / brand target audience?	Our target audience is the beef jerky consumer. Males aged 18-45 years of age looking for an afternoon snacking alternative to chocolate bars, biscuits or other less healthy snacks.
Clear substantiation on claims that are challenged by the complainant.	<p>We have taken advice from NZME and agree with their summation (accompanying this response) that the ad doesn’t contravene the identified Code of Ethics - Basic Principle 4, Rule 4, Rule 5 – from the Advertising Codes of Practice.</p> <p>We believe that the advertisement falls in line with the tongue-in-cheek, satirical nature of the overarching and long running Jack Links radio campaign. Specifically, ‘The boss’s inappropriate jokes’ line could be a joke about anything and does not need to be sexual in nature. Whilst the “...you don’t need HR asking awkward questions again do ya” line is designed to be humorous, we don’t believe that we’re making light of the serious nature of a company’s HR department or role in an organisation.</p> <p>We are in agreement with NZME’s assessment that given the nature of our long running campaign and the relative obscurity of the humorous themes within the advertisement, we do not believe that the advertisement is indecent, will cause wide spread offence or fails to meet a due sense of social responsibility.</p>
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	

RESPONSE FROM MEDIA, NZME

Re: Jack Links radio 18/111

We are writing in response to the above complaint regarding the ongoing Jack Links radio advertisement, "Office Workers."

The wording of the advertisement is:

*Man needs meat. You office workers need meat.
 It gives you the strength to laugh at your boss's inappropriate jokes.
 The energy for idle chit-chat at the coffee machine.
 And you know you can't spell meetings without "meat", right?
 Get some Jack Links beef jerky into your drawers, and I mean the ones under your desk..you don't need HR asking awkward questions again do ya?
 Jack Links. Feed you wild side.*

Relevant Codes

We understand the relevant sections of the Advertising Codes have been identified as:

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 4: Decency — Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5: Offensiveness — Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

Context and Placement

The advertisement is one of a long series of adverts in a campaign which has been running for a number of years on radio, with tongue-in-cheek and gently satirical commentaries on different groups in society — hipsters, selfie-takers, teenagers, men, women, etc. All imply one way or another that jerky is an ideal source of strength for dealing with the "challenges" each of these groups may face (with selfie-takers, for example, it's getting the energy for that pout.)

The advertisement ran on NZME's radio station ZM. According to NZME's website, ZM, targets an audience primarily between 18 and 39, with approximately 70% of its audience fitting within this age group, more specifically a late-20s target with a female skew. ZM's programme content frequently includes topics that are adult in nature, such as relationships, sex, and indeed socially awkward or inappropriate situations.

Office Workers

The Office Workers script picks up the ongoing Jack Links theme with allusions to office politics and goings on. The allusions are deliberately obscure, and leave interpretation largely up to the listener.

The first statement, 'it gives you the strength to laugh at your boss's inappropriate jokes' is relatively obscure. It does not imply that those jokes are sexual in nature, or that it is in any way about sexual harassment. 'Inappropriate' can include well-intended (or otherwise) quips about social status, job description, a tie or a cardigan, a person's choice of lunch, conflicting political views, or topical events. It is also a subjective assessment.

Even if the listener's interpretation of 'inappropriate' was sexual harassment (which, in our opinion, is at the extreme end of 'inappropriate'), we expect that the majority of the audience understand that it is often the role of humour to make light of common sources of discomfort, pain, disquiet or frustration. While we acknowledge the offence caused to Ms Hickling, we do not believe that the line is likely to cause widespread or serious offence.

The second line referenced in the complaint is 'get some *Jack Links beef jerky* into your drawers, and I mean the ones under your desk...you don't need **HR** asking awkward questions again do ya?'

While Human Resources is referenced as asking 'awkward questions,' we believe it is generally understood that any matter relating to workplace behaviour would likely be dealt with by HR. Generally the role of a human resources department goes beyond keeping the workplace safe as R Hickling attests, and includes employee performance and workplace culture in general.

The line very much leaves the potential situation open to the listener's imagination, be it an accusation of theft of office property, a complaint to HR that a colleague smelled of beef jerky, or even pants visibly sagging from the weight of beef jerky. Once again, we believe, even a more salacious interpretation of the line is unlikely to be a cause for widespread or serious offence, taking into consideration the ZM audience, and the role of humour.

Conclusion

Finally, we believe that office awkwardness, sexual or otherwise, is widely understood **to** be a sensitive issue to the community at large, including ZM's audience; but that this is also a common topic for humour. The very popular Ricky Gervais series *The Office* comes to mind, a show whose success depended on awkwardness and inappropriate behavior.

These things established, we do not believe that the advertisement will be considered indecent, will cause widespread or serious offence, or is failing to meet a due standard **of** social responsibility, when prevailing community standards and the context of ZM's audience are taken into account.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.