



Media Standards Australia Inc.

Catriona Noble
Managing Director/Chief Executive Officer
McDonald's Australia
21-29 Central Ave
THORNLEIGH NSW 2120

RE: FORMAL COMPLAINT - PORNOGRAPHIC MUSIC VIDEO – BUSSELTON RURAL STORE

Dear Ms. Noble,

I wish to bring to your attention a serious matter regarding one of the McDonald's franchises in Western Australia.

Each year my family visits Busselton (2 hour drive south of Perth) for an annual three week holiday. In fact many other families also have their holidays there as well.

Part of the holiday is to take our two young teenagers to the Busselton McDonald's store and every time we visit, it is packed with people. It is also our understanding that the Busselton store has broken records for monthly takings – proof of how busy it really is during holiday peak season.

The Busselton store also has a huge plasma TV and usually it shows music videos. Last year, January 2010, my wife made a complaint to the store manager about a Robbie Williams music video clip which showed him skating at a rink and each time he went around, he took a part of his clothes off and then his skin, showing blood and tendons, until he was just a skeleton. When my wife made the complaint, the store immediately turned the TV off, with the response that the MAX channel was the only one that head office would allow them to play.

A second visit around the same time saw a pornographic music video where my wife again made a complaint to the store.

A third visit this year 5th January 2011, (about 1.30 pm) my wife took our two sons to the very busy McDonalds and the plasma TV was playing the uncut pornographic music video, Girls on Film by Duran Duran (see enclosed disc). Incredibly, when my wife complained to the store, yet again, it took another customer to turn off the TV.

It is now getting to the stage where McDonalds will not be part of our annual holiday experience and it has ruined something which the two boys really look forward to and one wonders what other content is shown when we haven't visited?

Further it was embarrassing to see other families with very young children at the store with the TV showing such inappropriate material. In fact, the material is mostly classified as MA (Mature Adults).

Media Standards Australia is a national volunteer group which acts as an advocacy for children and families in matters relating to the media. As president for the group, I have worked tirelessly for over ten years trying to lobby government and media to stop women and children being exploited in entertainment media. In fact it was just recent that MSA sent in a submission to the federal Government senate inquiry into the sexualisation of children.

It is very disappointing to see our hard work being undone by a so-called family restaurant. Worse yet, it is obvious that the Busselton store is discrediting the McDonald's name.

You may be interested to know that exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, a serious matter causing lasting harm.

Also a US study by the Rand Group.....

Raunchy Lyrics Influence Teen Sex.

(August 2006)

- Teens who listen to music with raunchy sexual lyrics start having sex sooner than those who prefer other songs, a US study by Rand Corp researcher, Steven Martino has found.
- "Boys learned they should be relentless in pursuit of women, and girls learned to view themselves as sex objects" he said.
- "We think that really lowers kids' inhibitions and makes them less thoughtful" about sexual decisions".
- The study found that teens who listen to a lot of sexually explicit music were much more likely to start having sex within the next 2 years than teens who listen to little explicit music. Early initiation of sexual activity amongst teens carries significant risks to health and wellbeing.

It is great that McDonalds Australia has a policy to "do what is right" and that you promote.....

"Your trust is a precious asset to our business. We strive to preserve and build on it every day. That's why we work to do what is right in the community and integrate social and environmental priorities into our restaurants and relationships."

But it would be even greater if you reconsider your policy on music videos- particularly when some are notorious for being anti family values and that you choose family friendly content that highlights McDonalds as the family restaurant that you espouse. Please give this matter your urgent attention.

Yours sincerely,

Paul Hotchkin

President, Media Standards Australia

President Paul Hotchkin

Vice President Gail Gifford

Secretary Carol Phillips

Patron Dr. Jennie Bickmore-Brand

Telephone

Website www.mediastandards.org



McDonald's Australia Limited
ABN 43 008 498 928

Mr. Paul Hotchkin
President
Media Standards Australia

Wednesday, 9 March, 2011

Dear Mr. Hotchkin,

I want to thank you for your recent letter. As a member of the marketing team, Catriona has asked that I reach out to you.

Please allow me to apologise for your experiences at our restaurant in Busselton. We take great pride in offering each and every one of our customers the best possible service whenever they visit us, and I'm sorry that we've disappointed you and your family, not to mention any other families who may have shared in your experience.

We appreciate your feedback to us, and I want to assure that we have taken it on board. In fact, we are in the process of evaluating the content played on televisions in our restaurants across the country to ensure that we're not only providing our customers with the entertainment and information they're looking for, but also to ensure that the content is age-appropriate. The information you've provided us will be considered as we move forward with this exercise.

We expect to have this process completed in the coming months and updated guidelines provided to our restaurants. In the meantime, we have followed up with the Franchisee of our Busselton location and advised him of your experience. He too wishes to extend his apologies.

Again, I want to thank you for taking the time to provide me with your feedback. I hope that this letter has provided you with the assurance that we take it seriously and are responding accordingly.

In the meantime, I hope that you will visit us again sometime soon.

Yours sincerely,

Madeleine Fitzpatrick
VP/Director of Marketing

From: Paul Hotchkin [mailto:
Sent: Tuesday, March 08, 201
To: ASTRA
Subject: Foxtel complaint

Complaints system

I wish to bring to your attention concerns that Media Standards Australia have.

1. There is no provision on the Foxtel website for anyone to make a complaint in regards to programming.
2. MSA is aware of several complaints by members of the public who have complained about businesses such as McDonalds and gyms who are screening the MAX channel during business hours and most of the content has a rating of MA. Some of that unsolicited content is not only demeaning to women but also offensive and even pornographic. The code of practise also states that MA is a legally restricted category and unsuitable for children under the age of 15, which also means that children should be protected from material likely to harm or disturb them.
3. It is one thing for a person to pay for subscription for their own use in their own home but it is another when a business pays for it and screens it for the general public.
4. MSA believes that both ASTRA and its licensees such as Foxtel have a responsibility to the general public to place restrictive notices on businesses who choose to screen subscription broadcasting material.

I look forward to your reply,

Yours faithfully,

Paul Hotchkin

president, Media Standards Australia

astra@astra.org.au

Under the ASTRA Codes of Practice, complaints regarding the classification of material broadcast by a subscription television broadcasting licensee should, in the first instance, be directed to the relevant broadcaster. Both FOXTEL and AUSTAR, as subscription television broadcasting licensees, have complaints procedures detailed on their websites:

FOXTEL: <http://www.foxtel.com.au/support/feedback-complaints/default.htm>

AUSTAR: <http://www.austar.com.au/tv/support/complaints.aspx>

ASTRA recommends that you direct any concerns you have regarding the classification of material broadcast by a subscription television broadcaster to the relevant broadcaster.

8 February 2011

Mr Paul Hotchkin

ACMA file reference : 20917

Dear Mr Hotchkin,

RE: complaint about broadcast of MA rated content by McDonald's, Busselton.

Thank you for your email, received by the Australian Communications and Media Authority (the ACMA) on 27 January 2011.

The regulation of broadcasting content operates under a co-regulatory model in which industry and government each have a role to play. In keeping with this approach, the *Broadcasting Services Act 1992* (the Act) allows for the development of particular operational details and parameters in industry codes of practice, which are registered by the ACMA.

The Act sets out the general principles for classification of commercial free-to-air television content, with the specific arrangements contained in the *Commercial Television Industry Code of Practice January 2010*. The *Commercial Television Industry Code of Practice January 2010* reproduces guidelines made under the Classification Act for the classification of films, and also contains the Television Classification Guidelines, which apply to other material broadcast on television

The *Australian Subscription Television & Radio Association (ASTRA) Codes of Practice 2007* ('the code') reproduces guidelines made under the Classification Act for the classification of programs, which apply to material broadcast on subscription television.

Under the Act, the ACMA can investigate complaints about alleged breaches of codes of practice and broadcasting service licence conditions, and take enforcement action if it finds that a breach has occurred.

The information provided in your email suggests that your complaint does not concern an alleged breach of a code of practice or broadcasting service licence condition. As such your complaint does not fall within the ACMA's jurisdiction.

If you wish to pursue your complaint Under the *Subscription Television & Radio Association (ASTRA) Codes of Practice 2007*, complaints about matters covered by the code *must be made to the licensee in the first instance in writing or by telephone* and you must include specific details, including the date and time of the broadcast and the nature of the complaint.

If your complaint is not resolved in accordance with the code, or if the broadcaster fails to respond to a written complaint within 60 days, and you wish the ACMA to investigate your complaint, could you please ensure that you *provide copies of all letters to and from the station*.

For a copy of the code please visit: <http://astra.org.au/pages/codes-of-practice>

Further information regarding the complaints process can also be accessed from the ACMA's website by going to:

http://www.acma.gov.au/ACMAINTER.2163012:STANDARD:1363866517:pc=PC_90137

Whilst we acknowledge the concerns raised in your email the ACMA does not have the authority to affect management decisions or to compel McDonalds Busselton to change its practices. You may however wish to contact Mr Ron Robinson at the Classification Board to determine if McDonalds, Busselton may have breached any classification laws under the National Classification Scheme. The contact details are below:

By Post:

By Fax:

By Email: [Online enquiry form](#)

I hope this information has been of assistance to you.

Yours sincerely,

Rebecca Jeyasingam

A/g Assistant Manager

Content Classification Section

Australian Communications and Media Authority

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Dear Mr Hotchkin,

thank you for your e-mail enquiry about the music program playing in the Busselton McDonalds store.

The regulation of pay TV is controlled by the Australian Media and Communications Authority (ACMA). ACMA can be contacted on or via their website at www.acma.gov.au .

Yours sincerely

Ron Robinson
A/g Coordinator Classification Liaison Scheme
Classification Branch
Attorney-General's Department
Ph Fax
Mobile
E-mail :