



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0075/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Local Agent Finder</b>
<b>3</b>	<b>Product</b>	<b>Real Estate</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/02/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

An out of work actor receives an offer to become Chief Comparison Officer for Local Agent Finder.

## THE COMPLAINT

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

*Language- young son heard the "shut up" & questioned if people should say shut up to others.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*The language used in the advertisement, "shut up" is intended to humorously draw attention to the fact that an over excited Jason was yelling on a residential street. The language used was not obscene and was a appropriate response to the situation depicted.*

## 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 complainant’s concern that the advertisement features the phrase, ‘shut up’ which is not appropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that this television advertisement features a man loudly promoting Local Agent Finder’s services while walking down a residential street before an unseen householder calls out, “shut up!”

The Board noted that the phrase ‘shut up’ not very distinct and considered that the man’s reaction in apologising then speaking at a lower volume is what makes it clear what has been said. The Board noted that the man is shouting and considered that he does not appear to be upset or concerned at being asked to ‘shut up’ and in the Board’s view the manner in which this phrase is spoken by the unseen householder seems justified by the man’s yelling and is not threatening.

The Board acknowledged that some members of the community may find the use of the phrase, ‘shut up’ to be inappropriate but considered that it is not of itself strong or obscene language and its use in the advertisement is light-hearted and not inappropriate in the context of asking a person who is shouting to be quiet.

The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

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