



## **CASE REPORT**

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| 1. Complaint reference number | 66/09                                    |
| 2. Advertiser                 | Cash Converters                          |
| 3. Product                    | Finance/Investment                       |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Language – use of language – section 2.5 |
| 6. Date of determination      | Wednesday, 25 February 2009              |
| 7. DETERMINATION              | Dismissed                                |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Cash Converters opens with a man driving a ute. The ute breaks down and the man wonders where he will get the money to fix his gearbox. He then sees a box of 'gear' which is filled with items such as drills, tennis rackets and a electronic game controller which he then takes to Cash Converters to raise money to fix his ute. The advertisement ends with a company logo on a black screen.

## **THE COMPLAINT**

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

*The word gear is a very commonly used word for heroin it was really inappropriate not fair to those for whom 'gear' is a problem.*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("the Code"). We note that the nature of the complaint relates to the use of the term "gear" and the complaint specifies that this term is inappropriate considering this term's colloquial use amongst drug users.*

*We have carefully considered the Code, and have assessed the provisions against the content of these advertisements. We find that the advertisement does not breach the Code on any of the grounds set out in the same. Looking at the Code, Provision 2.6 provides that advertisements shall not "depict material contrary to Prevailing Community Standards on health and safety."*

*The advertisement depicts a man who uses a "box of gear" to fund the repair of the "gear box" of his motor vehicle. The phrase "box of gear" is used at the same time as an image of the character holding a box full of various household items, or pieces of equipment is shown. The use of the term "gear" is intended and visually displayed in its literal sense.*

*We do not accept that the word "gear" has acquired any common usage as a well-known substitute for heroin. In fact it has acquired a well-known and ubiquitous usage as a generic term for clothing or equipment. No-one in our organisation has ever heard of such a usage and as far as we can tell, if such a usage exists at all, it must exist within a very small group of drug abusers. It is ridiculous to propose that whenever a normal word gets misappropriated as a code for something harmful by a tiny section of the population even in a criminal context, the entire economy must thereafter pander to this. If that proposition is upheld, soon there will be no words available to describe ordinary things. No doubt "tool" is used somewhere to describe an idiot, so "tool" must*

*be banned and so also "bone" and "ball" etc.*

## **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's reference to "gear" could be construed as a reference to drugs and considered the provisions of the Code relating to language and prevailing community standards on health and safety.

The Board noted that the character in the advertisement is considering how to get the money for a new gear box and realises he could sell a box of gear at Cash Converters. The Board noted the reference to a "box of gear" is a play on the words "gear box" and the box of gear depicted is clearly an assortment of household items the man no longer uses. The Board also noted that the box of gear or household items depicted was in context with the cash conversion service being advertised.

The Board found the advertisement made no overt or implied references to drugs and therefore found no breach of the provisions of the Code relating to language or health and safety.

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