



CASE REPORT

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| 1. Complaint reference number | 538/08 |
| 2. Advertiser | Cavana Plumbing |
| 3. Product | House goods/services |
| 4. Type of advertisement | Transport |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement which appeared on the back of a bus depicts a man in pyjamas. He is holding the front of the pyjama pants away from his body, looking down into them with horror. The viewer cannot see what he is looking at. The text says: "Don't freeze your nuts off! Get a new eco friendly hot water system with up to \$3360 rebate. Cavana Plumbing. 9829 6299."

THE COMPLAINT

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

I find the advertisement offensive, especially as I have young children who are able to read, and have questioned me regarding the advertisement. I don't feel there is a need for that type of language to be used (especially on public transport, being seen at anytime of the day).

THE ADVERTISER'S RESPONSE

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

The advert being displayed by Cavana Plumbing has bought us positive feed back from past and present clients, mostly describing the add as "Eye Catching and Effective in what we are trying to portray". Cavana Plumbing has consumed a lot of business from this ad through the public eye and these people referring their relatives and friends to us. We have not received one negative complaint until you recently contacted us.

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 complainants' concern about the language used in the advertisement, having particular regard to its placement, and considered the application of Section 2.5 of the Code, relating to the use of language.

The Board considered the advertisement was intended to be humorous and noted that the expression "freeze your nuts off" is a colloquial expression used in Australia and that its use in the commercial was consistent with common usage and was not used with malice. The Board considered that most members of the community would not consider the use of the term offensive, strong or obscene. The Board noted that the advertisement is a transport advertisement and viewable by a broad audience, however the Board considered that the term would not be understood by children and would not be considered offensive by most people. The Board therefore determined that the use of the language

was appropriate in the circumstances and found no breach of Section 2.5.

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