



CASE REPORT

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| 1. Complaint reference number | 7/09 |
| 2. Advertiser | Autobarn |
| 3. Product | Retail |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Sexual preference – section 2.1
Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Autobarn for a 50 per cent off sale opens with a man in an Autobarn t-shirt walking toward a garage where he says Bobo and the boys are preparing for the sale. He open the garage door to reveal a group of men working on a car - cutting it in half. The man then explains to Bobo, who he calls a "momo" that it is 50% off car "stuff" not "off the car". The advertisement ends showing the company logo.

THE COMPLAINT

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

Homo is not an acceptable term, unless Mr Fenech is himself homosexual and is "reclaiming" the label

The main character refers to the other man in the ad as a homo because he mistakes the meaning of 50% off. I had to listen to it a few times to make sure I heard it correctly, but if, as a heterosexual woman, I find this offensive, I can only imagine how members of the gay community would feel. I'm still not 100% sure that he doesn't say 'hobo' instead, but I think that's inappropriate also.

The add is harmless in its nature, however on the realisation of the cut in half car, the protagonist of the add slurs his companion with "what are you doing you homo". This language is pejorative and infers a slur on the homosexual community. In no way is the language used to suggest the character is homosexual but rather to deride his activity. For this reason the add is offensive in its pejorative language.

THE ADVERTISER'S RESPONSE

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

Our response to these complaints is as follows:

Our current series of advertisements containing characters from the SBS television show "Fat Pizza" commenced on December 15th and contains ten 30 second advertisements, a further ten 15 second equivalents, and 4 censored versions of two of the advertisements. The Characters and situations depicted in this series of advertisements are meant to show the characters in similar situations that they would be in as part of the Fat Pizza television show on SBS television and are meant to be humorous, harmless and memorable.

Prior to releasing the series, we conducted a number of focus group activities to gauge consumer response to the series, and found that the advertisements were not seen to be offensive to the

groups polled.

Fat Pizza and the Fat Pizza characters have been seen consistently in Australia on SBS for over 9 years and, like many other Australian TV Comedy shows, has attracted a strong and loyal following. The success of the television show has now spawned a new television show with the same actors called "Swift and shift".

As with all our television advertising campaigns, we have CAD approval of the series, and in two cases, have developed a "cut down" version of both the "Motor Oil" advert and the "Sheepskin" advert designed to be shown during children's viewing hours.

In reference to Advertising Complaint 7/09 there is no reference at all to the term "Homo", or "Hobo". The Character Pauly calls to the other character Bobo, "Bobo, you momo, I'ts 50% off Autobarn's car stuff, not the car" The term "Momo" means nothing in this context.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code"), in particular whether the advertisement vilified people on account of their sexual preference in breach of Section 2.1 of the Code or used offensive language in breach of Section 2.5.

The Board noted, in relation to the use of language, that the words stated in the advertisement are '*Bobo, you momo*'. The Board considered that this language was meaningless, even though it was intended to mean that the person cutting the car in half had not done an intelligent act. The Board considered that this statement did not amount to language that was offensive, or would be considered strong or obscene and that there was no breach of Section 2.5 of the Code.

The Board considered whether the advertisement vilified any identifiable section of the community. The Board considered that there was no reference to homosexuality in the advertisement, nor to any other identifiable section of the community. The Board determined that the advertisement did not breach Section 2.1 of the Code.

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