



## Case Report

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|----------|--------------------------------------|--------------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0008/13</b>                 |
| <b>2</b> | <b>Advertiser</b>                    | <b>Ultra Tune (SA) Pty Ltd</b> |
| <b>3</b> | <b>Product</b>                       | <b>Professional Service</b>    |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Radio</b>                   |
| <b>5</b> | <b>Date of Determination</b>         | <b>30/01/2013</b>              |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>               |

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

Various men and woman exclaim about the price of their car service bill, "you've got to be out of your cotton-picking mind" "It can't be that much" "You've got to be kidding, right?".

Male and female voice overs then say, "Avoid the 5 o' clock shock of an unexpected service bill with an upfront, fixed-price quote from Ultratune".

### THE COMPLAINT

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

*It contains a racist slur.*

*A comment is made along the lines of a person "being out of their cotton picking mind".*

*The phrase "cotton picking" refers to the slavery of Africans in America in the 1700's.*

*It is a belittling and offensive term, implying that being out of your cotton-picking mind is to be more stupid than a slave, or more specifically in those circumstances, a black person.*

*As such I find it offensive.*

### THE ADVERTISER'S RESPONSE

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

*On behalf of UltraTune SA I would like to submit the following response to the recent complaint made against one of our radio ads.*

*We used the expression “out of your cotton-picking mind” in the same way you would use other common turns of phrase such “mad as a hatter” or “mad as a cut snake”.*

*It was meant as a harmless expression to say “don’t be ridiculous”.*

*The origin of the expression goes back over 200 years and like so many aspects of English language and literature its true meaning has been lost over time. We don’t believe that any reasonable person would take offence and we doubt that most people could articulate its original meaning.*

*The expression and its many variations have been widely used in film, music, literature and even children’s cartoons such as Bugs Bunny.*

*We believe we have used the expression in its acceptable contemporary context and that it doesn’t breach Section 2 of the Advertising Code of Ethics.*

## **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 concerns that the advertisement is offensive and contains a racist slur.

The Board listened to the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.”

The Board noted that the advertisement features various people portrayed as being unhappy about the price of services on their vehicles. The first male voice to comment says ...” You’ve got to be out of your cotton picking mind.”

The Board noted the complainants concerns that the term “cotton picking mind” was historically used as an offensive comment suggesting that being out of your cotton-picking mind is to be more stupid than a slave, or more specifically, a black person.

The Board noted that the portrayal of each of the people in the advertisement is intended to reflect unhappy and shocked customers upon receiving the bill for the service on their vehicle. The Board considered that the use of the term “cotton picking mind” may have had a very

strong and specific meaning or intent a long time ago but that many people now would not understand the history of the phrase and therefore it has become a more commonly placed phrase in the Australian vernacular.

The Board noted that although the historical origins of the phrase may have had racial connotations, most members of the community would not consider the phrase “cotton picking mind” as offensive or racially insensitive. On this basis the Board considered that the advertisement did not discriminate against or vilify any person or section of the community on account of race and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.