



## Case Report

1	Case Number	0016/11
2	Advertiser	Greener Energy
3	Product	Other
4	Type of Advertisement / media	Radio
5	Date of Determination	09/02/2011
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language      Use appropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A male voice over describes the benefits of Greener Energy's "un-\*beeping\*- believable" offer. The word bleeped out begins with an F but it is not clear which word it is.

### THE COMPLAINT

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

*Towards the end of the ad the announcer clearly says that the offer is "unfucking believable" but it bleeps out the swearing. This is said more than once. It is absolutely clear what the announcer is saying and is totally inappropriate for radio advertising. It is overly crass for the advertising medium used and the time of day the ad is run. I swear as much as the next bloke but this is clearly in appropriate.*

### THE ADVERTISER'S RESPONSE

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

*We have now changed the commercial to un-freaking- believable and not beeped out the word freaking as some listeners have taken the opinion that the word beeped out was a swear word.*

*Greener Energy had no intent at all to offend people by using a beeped out word in our commercial, this kind of response was alerted to me yesterday (18/01/11) after I returned from holidays, I quickly contacted Radio Nova and got them to replace the commercial with the original "freaking" advert as I didn't want to tarnish the Greener Energy name or offend anyone else. A company like ourselves strives to uphold a upstanding reputation amongst the community as we are here to better the environment by supplying carbon reducing products to our customers, therefore it would be in our best interests not to offend any of the listeners of Radio Nova.*

*We had a creative meeting with Radio Nova and in the meeting the original meeting they had used the word freaking, a lot of people in the meeting didn't like the word "Freaking" so it was replaced with a beep, this was done also to give the line more impact by breaking up the voice over. There was never intent to offend listeners.*

*As you will note on the supplied audio the word beeped out in the commercials is actually not a swear word at all, but we do understand how it could be interpreted by a lot of people as a beeped out swear word.*

## **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 features inappropriate language.

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

The Board then 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 and strong or obscene language shall be avoided.”

The Board noted that this advertisement is for Greener Energy with the voice over describing an ‘un- \*beeping\* - believable offer’.

The Board noted the advertiser’s response that the word beeped out was ‘freaking’ and that following the complaint they have removed the beeping so that you actually hear ‘un-freaking-believable offer’.

The Board considered that the inferred meaning of the word beeped out is a strong swear word, the use of which resulted in an upheld decision for a Radio advertisement in case reference 0013/11. However the Board considered that in this instance, the word is spoken by an adult and not a child, there is not an aggressive tone to the word’s use and the intent of the advertiser was to avoid offence through the use of the word ‘freaking’.

Based on the above the Board determined that the advertisement did not use strong or obscene language and that it did not breach Section 2.5 of the Code.

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