



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0042/14
2	Advertiser	Southern Waste
3	Product	Other
4	Type of Advertisement / media	Radio
5	Date of Determination	12/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a man telling his friend how he got fined for throwing a cigarette butt out of his car window and that his friend responds to say that he is a tosser whose been starting all the bushfires.

THE COMPLAINT

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

One of the advertisements suggests that smokers caused recent bushfires. This is totally incorrect and misleading, and adds pressure to people who choose to smoke. Also, cigarettes now have an additive to cease burning without an inhalant.

I also find the term "Tosser" to be as offensive as the term "Wanker" (which is what tosser used to mean)

In a society that is trying to rule out bullying, I find this name-calling unnecessary.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 features a reference to a smoker as a ‘tosser’ which is offensive.

The Board noted that the complainant was also concerned that the advertisement was misleading in its suggestion that smokers caused bushfires and considered that as the issue of misleading advertising falls outside of the Board’s jurisdiction the complainant should address this aspect of their complaint to the Australian Competition and Consumer Commission (ACCC).

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

The Board 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 radio advertisement features a conversation where one man admits to throwing his cigarette butt out of his car window and his friend responding that he is a tosser.

The Board noted that the word ‘tosser’ is defined in the Macquarie Dictionary as:

- someone or something that tosses

- a man who masturbates (colloq.)

- a stupid person (colloq.)

The Board noted the complainant’s concerns that ‘tosser’ means ‘wanker’. The Board noted that in this case it is being used in the context of someone who has tossed something out of

their window which is consistent with its dictionary definition. The Board considered that the use of the descriptor 'tossler' to refer to someone tossing something out of their window amounts to a use of language which is not inappropriate in the circumstances. The Board noted that children would be unlikely to understand the possible double entendre and considered that the word 'tossler' is not of itself strong or obscene language.

The Board considered that the advertisement did not feature language which is inappropriate in the circumstance and that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach Section 2.5 of the Code, the Board dismissed the complaint.