



Case Report

1	Case Number	0066/11
2	Advertiser	Platinum Communications
3	Product	Telecommunications
4	Type of Advertisement / media	Radio
5	Date of Determination	09/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language Use appropriate language
- 2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

A young professional woman (Susan) driving in traffic, speaking to her mother on the speakerphone. Susan is interrupted by the traffic and she assures her mother that she is still safe to talk on the phone as she is using a handsfree device. The announcer then describes the promotion and where and how to purchase the speakerphone. Susan's mother asks Susan a question relating to a family gathering and Susan is interrupted again by the traffic. Each time Susan is interrupted she shouts at the person responsible. Her shouts are beeped out.

THE COMPLAINT

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

I feel it promotes the use of road rage. Surely there are other ways to advertise hands free devices without one of the advertising characters screeching obscenities at others.

THE ADVERTISER'S RESPONSE

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

The advertisement was not created in any way to promote road rage. The message behind the advertisement was promote safe and legal driving while talking on the phone. The only way to do this is, of course, by using a handsfree device. Susan is a young professional who is up to date with cutting edge technology and if anything, the advert promotes the modern woman's ability to multitask safely amongst Sydney's growing traffic problem. It might also promote that the world is indeed changing and evolving and companies like Platinum and Plantronics are striving to make life easier for the consumer, as we all get phone calls whilst behind the wheel, whether or not we choose to answer them. I feel even in the lovely Newcastle, or wherever the location of the complainant may be, they would experience traffic jams and dangerous drivers on a daily basis. We were simply attempting to promote a safer environment.

To sum up the situation, the advert is no longer even on the Air and was only on for a period of 4 weeks in December 2010. No offensive language was used in the script.

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 promotes the use of road rage and inappropriate language.

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

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”

The Board considered that although the girl’s manner directed at the traffic situation in the advertisement is frustrated and aggressive, it is not in itself a portrayal of violence and does not breach Section 2.2 of the Code.

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 intended to encourage safe driving by promoting the use of a hands-free device while talking on the phone and driving and that the woman uses the terms “idiot” and “moron”. The Board considered the use of “idiot” and “moron” are directed to how someone else is driving, but are said inside the car and in a context that is intended to be humorous.

The Board considered that the overall tone of the advertisement was intended to be lighthearted and humorous and is designed to get the attention of the listener by relating to the real life situations of difficult traffic conditions, and talking on the phone while in the car.

The Board noted that toward the end of the advertisement stronger language is suggested but is beeped out. The Board noted that the advertisement is no longer being aired.

Based on the above the Board determined that the advertisement did not use strong and obscene language or language considered inappropriate 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.