



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0066/18
2	Advertiser	Sunraysia Marine
3	Product	Vehicle
4	Type of Advertisement / media	Radio
5	Date of Determination	07/02/2018
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

A Radio Advertisement for Sunraysia Marine, words being beeped out.

## THE COMPLAINT

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

*Easily identifiable. Abusive language. Totally inappropriate-very tacky!!*

## THE ADVERTISER'S RESPONSE

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

*OPTION TO USE SWEARING BEEPED OUT WAS DISCUSSED WITH AUSTEREO REPRESENTATIVE PRIOR TO PREPARATION OF AD CONCEPT AS OTHER BUSINESSES IN*



*THE AREA HAD OR WERE USING SIMILAR THEMES (TOTAL TOOLS AND HIGH PERFORMANCE MARINE) AND WE WERE TOLD IT WOULD NOT BE AN ISSUE IF IT WAS BEEPED OUT. AUSTEREO PREPARED INITIAL SCRIPT WHICH WE MODIFIED SLIGHTLY BUT NOT TO DO WITH SWEARING. AUSTEREO IN ALBURY I BELIEVE PRODUCED THE FINAL AD WHICH WENT TO AIR.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the language used is abusive and inappropriate.

The Board viewed 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted this radio advertisement consists of men expressing their displeasure when their boating and fishing equipment is not working correctly. The men swear with a beep playing over their words.

The Board noted the advertiser’s response that other advertisements which used beeping over the words had been considered OK by the Board.

The Board noted it had previously considered a radio ad for Total Tools for a similar issue, in which:

“The Board noted...it is not clear what word the beep is replacing and considered that there are a number of words which could be used. The Board acknowledged that the use of beeping sounds over an audio is a common broadcasting protocol used to ensure any inappropriate language is inaudible, even though it may be implied and considered that in this instance it is not clear that whether the word being replaced would be inappropriate or not.

The Board noted that the overall tone of the advertisement is designed to appeal to the target audience of male tool buying consumers and considered that the content of the advertisement is not inappropriate in this context, especially as the beeped out word is not audible. The Board considered that the advertisement did not use strong,



obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.”

The Board considered that there are two important considerations in such a case: is the beeping sufficient to make it hard for a listener to discern the suggested word? And if is the language used in an aggressive or light-hearted manner.

The Board considered in the current advertisement the beep sound effect does not fully cover the offensive language and that most members of the community would be able to make out the phrases ‘fuck it’, ‘start you bastard’ and ‘you’re fucking joking me’.

The Board considered that the words beeped over were not used in a light-hearted manner, rather they were used in an aggressive and frustrated manner.

The Board noted that it has consistently determined that the word ‘fuck’ is considered to be a strong and obscene term and is not appropriate in advertising that is likely to be heard by a broad audience which would include children (0513/16, 0360/16 and 0034/17). The Board also noted its community standards research ([https://adstandards.com.au/sites/default/files/2017\\_community\\_perceptions\\_web.pdf](https://adstandards.com.au/sites/default/files/2017_community_perceptions_web.pdf)) which supported the Board’s view that, particularly in public areas and areas where children can see or hear the material, the community view is that this term is strong or obscene language.

The Board considered that the beeping effect was insufficient to hide the strong language being used in the advertisement, and that the repetition of the strong language, and the aggressive manner in which it is used, amounted to strong language.

The Board noted that this advertisement was played on a radio station which would have a broad audience, and that although MMM is not a station intended for children, there would be children listening and also people who would consider the use of strong language in this medium inappropriate.

The Board considered that the language was not appropriate for the relevant broad audience. The Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Board upheld the complaints.



## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Thanks for your time, apologies for the inconvenience. We have ceased running the ad as of the end of January and if we decide to run it again we will ensure that it is edited to keep out the swear words completely.