



Case Report

1	Case Number	0069/13
2	Advertiser	Billy the Tool Man
3	Product	House Goods Services
4	Type of Advertisement / media	Radio
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement for tools which features bleeped out words: "When it comes to tools even *bleep* fools know Billy the Toolman..."

THE COMPLAINT

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

I feel the ad is inappropriate due to the excessive swearing throughout the advertisement, despite the bleeps, all worked into a catch tune. One of the bleeps covers the 'c' word, which to be honest is the tipping point for me. The rest I could pretty much not worry about. My children are often with me in the car and I don't want them hearing the ad. And to be frank, I do not want to hear that kind of implied language whilst listening to the radio. This ad has been around for quite some time, however, despite this I still cringe each time I hear it and wonder how it is allowed on radio.

THE ADVERTISER'S RESPONSE

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

The Advertisement, which is the subject of the complaint, airs on Zinc in Townsville, with the "bleeped" version on rotation approximately 10 times per day, Monday to Thursday between 9am and 10pm.

Zinc is a radio station which has a strong "blue collar" audience, and this Advertisement is used to target that demographic. Zinc is a male skewed adult music station that plays rock music and has other music and sport-related programming content (see <http://townsville.radiozinc.com.au/music>).

The complainant makes reference to there being two versions of the Advertisement and states that "One is sung completely with no bleeps". For clarity, we must explain that during the breakfast shift, a different version with no bleeped words is played, having consideration to the likely makeup of the pre-9am audience. The bleeped version of the Advertisement is never played on air at any time - day or night - without the bleeps.

The complainant has stated that the Advertisement is inappropriate due to the excessive swearing throughout". At no time are swear words audible in the jingle. As you will see from the attached script, there are five bleeped "f words", and as the complainant points out, one bleeped word that could be construed as being the "C word" or, in our view, a raft of other words. As the complainant points out, the use of the words is "implied", not expressly stated in the jingle and relies on the imagination of the listener to fill in the blanks. The Advertisement does not instruct children on the inclusion of the words to which the complainant objects. The fact that a child is aware of the absent words that underscore those bleeps or draws conclusions on what they might be is not a result of the Advertisement, but because of external factors, influences and experiences over which we have no control.

We note in particular section 2.5 of the AANA Code of Ethics which states that advertising or marketing communications shall "Only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium)." In terms of use of "strong or obscene language", there is none used in the Advertisement. We are of the view that the bleeps used are simply a stunt; that any construed inappropriate language is blocked and is not intended to cause offense. No swear words are identifiable - and the version which is the subject of the complaint does have regard for a large portion of the makeup of the audience who listen to Zinc after 9am. As noted above, many of our listeners are tradesmen who travel to their jobs during the course of the day in their cars.

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 excessive, bleeped out, swearing which is not appropriate for radio.

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

The Board noted that that this radio advertisement features a song with some words beeped out. The Board noted that it is not clear which words are being replaced by the beeps and considered that the level of bleeping is of a high standard. The Board noted that it is possible to insert your own words for the beeps however the Board considered that as the advertisement does not explicitly suggest strong, obscene or inappropriate language the substitution of other words is the result of the listener’s interpretation.

Based on the above the Board determined that the advertisement did not use strong and 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.