



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0071/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Aircon and Heating Solutions</b>
<b>3</b>	<b>Product</b>	<b>House goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Other

## DESCRIPTION OF THE ADVERTISEMENT

Radio commercial promoting Bernies Aircon and Heating Solutions. The 30 second commercial is voiced by Bernie Damman, the owner of the business. It features Bernie asking people to c-c-c-call him.

## THE COMPLAINT

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

*I have a stutter and the ad uses stuttering to market the product.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for bringing the complaint in relation to the radio ad produced by us for Bernie's Aircon and Heating Solutions.*

*As background, there is an airconditioning company in Melbourne called Cold Flow. They advertise heavily on Melbourne Radio and their jingle has the sung phrase C-C-C- Cold Flow.*

*That C-C-C is a stylized take on the chattering of teeth when people are cold.*

*Bernie, the proprietor of Airconditioning and Heating Solutions is a former employee and a current contractor for Cold Flow. He maintains a very good relationship with the owners of that business.*

*Bernie voices his own commercial and he wanted to have a friendly tilt at Cold Flow by mimicking their jingle. The C-C-C effect may have lost something in the translation however in no way was it his or our intension to discriminate or vilify anyone.*

*We believe it is simply a sonic trigger to highlight Bernie's competitiveness with a high profile advertiser that is perceived to be the market leader.*

## **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 is offensive to people with a stutter.

The Board listened to the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board noted that the advertisement features the owner of the business inviting listeners to "c-c-c-call me" for information on the products they sell.

The Board noted the complainant's concerns regarding the use of stuttering in the advertisement and considered that the tone of the advertisement is lighthearted and that the use of the stutter is made in a manner akin to someone's teeth chattering when they are cold which is relevant to the product being advertised. The Board considered the stuttering is not ridiculing of people who do stutter.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community and did not breach Section 2.1 of the Code.

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

