



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

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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

|   |                               |                                    |
|---|-------------------------------|------------------------------------|
| 1 | Case Number                   | 0079/18                            |
| 2 | Advertiser                    | Alice Springs Towing and Transport |
| 3 | Product                       | Professional Service               |
| 4 | Type of Advertisement / media | TV - Free to air                   |
| 5 | Date of Determination         | 07/03/2018                         |
| 6 | DETERMINATION                 | Dismissed                          |

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a voice over saying the start of the alphabet and naming types of things the company can tow/load/move.

## THE COMPLAINT

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

*During the advertisement, an alphabetical list of vehicles able to be assisted by this company was started. At the end of the ad, a vehicle starting with Z was stated, followed by "shit yeh. We get a lot of those out here!". Offensive daytime advertising!*

## THE ADVERTISER'S RESPONSE

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

*In response to the complaint within section 2:*



- 2.1 - No discrimination or vilification is recognised in the commercial.*
- 2.2 - No exploitative or degrading material is recognised in the commercial.*
- 2.3 - No violence is recognised in the commercial.*
- 2.4 - No sex, sexuality or nudity is recognised in the commercial.*
- 2.5 - There is a reference to the word "shit" in the commercial, the word is not actually spoken in full only the first "sch" sound is voiced.*
- 2.6 - No health and safety issues are recognised in the commercial.*
- 2.7 - This commercial is distinguishable as advertising as per the nature of business promotion and brand recognition.*

*The commercial has a "P" rating and as per the complaint was shown during the Tennis in January 2018 on Southern Cross Television not Imparja as the person refers, there is no contract or understanding with Imparja to air this commercial on their channel. If the person complaining has in fact seen this commercial on Imparja then that is another serious matter that needs to be addressed.*

*Tennis on Southern Cross Television does not have classification and therefore the "P" rating is allowed to be within this program.*

*We have CAD approval and all advertising on Southern Cross Television has been wholly within the limits placed on the "P" rating.*

*The commercial is also used on local radio without complaint.*

## **THE DETERMINATION**

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement features offensive language.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted that the TV advertisement features a voice over starting to recite the alphabet and listing vehicles, aeroplanes, bulldozers, cars, when he is interrupted by another man who asks what he is doing. He explains he is listing all the things the company can move. At the end of the ad the man says 'Z is for Zamboni' and the other man states 'oh shi.. yeah, big call for that in the desert'.



The Panel noted the complainants' concerns that the advertisement features the phrase 'shit yeah' and that this was offensive language.

The Panel noted that there is a genuine level of community concern about strong or inappropriate language (Community Perceptions 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)) particularly where children are exposed or included.

The Panel noted the advertiser's response states that the word 'shit' is not said in full, and that only the 'sch' sound is voiced.

The Panel considered that while the word is not clearly enunciated it is clear that the man is saying 'shit'.

The Panel noted the practice note to this section of the Code states that: "Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are "bugger", "shit", "pissed-off, "crap" etc."

The Panel noted that it had previously dismissed the use, or strong suggestion, of the word, 'shit' in television, print and radio advertisements (0064/17, 0064/15, 0393/11, 250/12).

The Panel considered that in this advertisement the word 'shit' is used in a humorous way to emphasise a point, and was not said in an aggressive or insulting way and consistent with previous determinations the Panel considered that the language used in this advertisement was common in Australian vernacular

The Panel considered that the advertisement did not contain strong or obscene language and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

