



Case Report

1	Case Number	0086/11
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	Radio
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

An advertisement featuring Trent Barrett promoting the Million Dollar Tipping 2011 competition for members. Trent is continuously interrupted by a 'voice over' which at one point appears to say "shit loads" although the word "shit" is beeped out.

THE COMPLAINT

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

The reason for my complaint is to the use of the word (although 'bleeped-out') "shit" used by the voice-over in the ad; I believe the actual wording is along the lines of "win a shit-load of cash". It is blatantly obvious that it is this word being used.

I am no prude and happy to swear as much as the next person; however there is a time and place and that is what I try and teach our teenage children. I do not believe it is appropriate or necessary to have swearing of this nature in any advertisement but especially being aired at such times around 4pm (approximate time heard today on 2GB) when there are no doubt a number of parents with their children listening to the radio driving home after school.

It appears to be a growing trend especially in radio advertising to use this kind of material; I just do not see the need.

THE ADVERTISER'S RESPONSE

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

The subject advertisement promotes a sportsbet.com.au promotion known as “Million Dollar Tipping”.

The advertisement aims to highlight a large amount of prize money. Consistent with Sportsbet’s advertising strategy, the advertisement asserts its message by employing humour in a “blokey” manner by using light-hearted tone and in this case a subtle reference to an exploitive that has been “bleeped” out.

The complaint states that it is not appropriate to use language of this nature and suggests the time it is aired is inappropriate. The complaint does not cite any breach of the advertising code of ethics but we note that section 2.5 of the National Advertisers Code of Ethics relates to appropriate use of language in advertisements. Specifically section 2.5 of the Code of ethics permits language to be used in circumstances where it is appropriate and deems it should not be strong or obscene.

Sportsbet’s membership and therefore target audience are adults, thus over the age of 18.

The advertisement does not refer to children and is aired within adult orientated programs.

Whilst Sportsbet accepts that humour is subjective and not everyone would find the advertisement funny, we do not believe the language to be offensive nor inappropriate in use.

We have used the same voice over line in a television commercial and recorded the line directly from it. This advertisement has received CAD approval (CAD NO: BTLSHLGA) thus declaring the measures taken to bleep the exploitive appropriate.

Sportsbet urges the ASB to dismiss the complaint.

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 concern that the advertisement uses inappropriate language.

The Board reviewed 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 and strong or obscene language shall be avoided.”

The Board noted that the advertisement features a phrase with an expletive beeped out. The Board noted the advertiser’s response that the advertisement is aired within adult orientated radio programmes.

The Board considered that the term was used in a manner that is consistent with colloquial usage in Australia. The Board noted that the word ‘shit’ is not actually heard, but is covered

by a beep. The Board noted that the advertisement could be heard by children but considered that, despite being able to be heard by children, most members of the community would consider that the language inferred to in the advertisement was not inappropriate and was not strong or obscene.

The Board determined that the advertisement did not breach section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.