



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0089-21
2. Advertiser :	Aussie Broadband
3. Product :	Information Technology
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	14-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.5 Language
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

There are multiple versions of this television advertisement showing people in their gardens using a hose. The words 'freaking' and 'bloody' are used.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Aussie broadband internet advert.

They keep saying " bloody good broadband "

I find this can be and is inappropriate due to small children picking up bad saying that is being promoted by this advert using the catch phrase " bloody good broadband "

The male actor is made to look and behave like a half wit with the three women giggling and laughing at his ineptitude. If the roles were reversed I have no doubt what so ever that there would be every feminist outrage in the country complaining about role modelling and the unfairness of a female depicted in this offensive manner.

The swearing in the ad is offensive. Not language welcomed into my family.



There is a shot showing the woman being lifted into the air whilst holding the hose. The one where you can just see her feet as they lift off the ground looks like she is struggling and doesn't want to be off the ground. It is very similar to images of people's feet when they are being hanged. This could be a trigger for people dealing with/struggling with suicidal thoughts, or that have had any loved ones take their life in such a way.

I am offended and object to the use of bad language. Eg. Bloody good, freaking.

I am a teacher of Infants children (Prep to Year 2) and I am concerned about the swearing in the current Aussie Broadband ad. At school, if a child uses the word "bloody" or "fricking" it is considered that the child is swearing. Children are not permitted to swear and swearing results in consequences. This ad uses the word "bloody" twice and the word is also written as part of a slogan. The word "fricking" is also used once. I object to the normalising of the word "bloody" which is generally considered in society to be swearing. For example, using the word "bloody" in reference to someone is abusive. I don't think it is necessary, polite or positive for this word to be used in an ad that is broadcast numerous times during hours when children are watching. If children can't use this word at school, why is it permitted to be used freely in a prime time ad? I object to the use of this word because it has negative and abusive connotations and challenge Aussie Broadband that they are better than this.

I object to the use of word of "bloody" used within the advertising. It is used at least 2 times which is not necessary. The word is wrongly used. Children is awake , watching TV at that time of the night.

The advertisers key message is that they are wholly Australian based. Whilst that is not an issue they also make comment about the fact they do not use overseas call centres. The implication is that these overseas call centres are undesirable. The only conclusion is that this is inherently racist to these people that work in off shore call centres as the advertiser is trying to advertisers the message that it is better to deal with a locally based call centre. One of the advertising standards rules are that ads cannot vilify or be racist in nature. Whilst not overtly stated it is clear that this advert is playing into commonly held racist views of overseas call centres.

THE ADVERTISER'S RESPONSE

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

In response to your letter about complaints under Case reference number: 0089-21

We have addressed each part of Section 2 of the AANA Code of Ethics below:



2.1 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

Our response:

We believe that we aren't infringing on 2.1 as our advertising doesn't depict any discrimination against or vilification of any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

There are two sets of neighbours watering their gardens with one set of neighbours using a hose with a lot of water flowing through at a fast pace and the other neighbours hose with a small amount of water coming through. The ad is an indication of the internet speeds that you could get with Aussie Broadband compared to the others. There is nothing in the ad focusing on any of the above traits of the people in the ad to suggest any kind of differences between them. The only difference is the amount of actors on each side there is a family on one side made up of 2 females and a male and one male on the other side. Nothing indicates that any of them are of any particular race, ethnicity, nationality, age, sexual preference, religion, disability, mental illness or political belief.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

Our response:

We believe that we aren't infringing on Section 2.2 as there is nothing sexual in our advertising, in fact is quite wholesome. No one is naked or even semi naked. It is based around families doing their gardens. No underwear is shown everyone is fully dressed.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Our response:

We believe that we aren't infringing on Section 2.3 as there is nothing violent in our advertising, it depicts neighbours being helpful. The neighbour with the greener garden tells the neighbour with the brown lawn how to get a better service to then enable him to have a green garden. This is reflective of one neighbour helping the other to get better internet by joining Aussie Broadband.

There is no indication in the advertising that we are encouraging people to commit suicide, there were concerns about this in one of the complaints due to the woman being lifted off the ground by a powerful hose, in no way is she depicted as being worried, concerned or suicidal, in fact she appears surprised and excited and how fast and powerful it is, she is smiling while that is happening.



There are no guns, weapons, blood or anything anywhere near that, again it is quite a wholesome ad.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Our response:

We believe that we aren't infringing on Section 2.4 as there is nothing sexual in our advertising, in fact is quite wholesome. No one is naked or even semi naked. It is based around families doing their gardens. No underwear is shown everyone is fully dressed.

2.5 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.

Our response:

We believe that we aren't infringing on Section 2.5 as there are no strong swear words in our advertising but there has been some contention around the words 'bloody' and 'freakin' with regards to the word bloody, Bloody has always been a very common part of Australian speech and has not been considered profane there for some time. While some may find the word offensive it is not intended that way, it is intended to emphasise how good the internet is with Aussie Broadband, our advertising has also been given a G rating by ClearAds, a copy of which is attached.

With regard to the word 'freakin' it seems that some people have confused it with the word 'frickin' or 'friggin' which we certainly aren't using. We are simply using freakin as a replacement word for extremely, as an example "That's a freakin fast car".

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Our response:

We believe that we aren't infringing on Section 2.6 as there is nothing dangerous or harmful in our advertising, as previously stated our advertising is quite wholesome. We don't promote dangerous or harmful practices.

Section 2.7 requires that advertising must be clearly distinguishable as such.

Our response:

We believe that we aren't infringing on Section 2.7 as the advertisement is clearly advertising our company and the products that we offer.



THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement:

- Uses language such as “bloody” and “freakin’” which is offensive and inappropriate for children
- Is offensive to men by the depiction of the man having trouble with his hose
- Is racist due to the statement regarding “Australian call centres”
- Depicts material suggestive of suicide.

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

Section 2.1: Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Gender - male, female or trans-gender characteristics

Race – viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the complainant's concern that the man in the advertisement is depicted in a manner which suggests he is less intelligent than his female neighbour.

The Panel noted that there are several versions of the advertisement, one of which shows the man spraying himself in the face with his hose and the woman trying to contain her laughter.

The Panel considered that the woman laughing at the man was not related to his gender, but rather due to him spraying himself in the face with the hose. The Panel noted that in other versions of the advertisement the woman is shown to have a husband that is also depicted.

The Panel considered that while the man is shown to be grubby, he is clearly working in his garden and this depiction is not a suggestion that all men are dirty.

The Panel considered that this scenario is not a comment on the value of the man in the advertisement, or men in general.



The Panel considered that the gender of the man is not referred to in any way, and there is no suggestion that his depiction as a man struggling with his water pressure is related to his gender.

The Panel considered that the content of the advertisement did not show the man to receive unfair or less favourable treatment because of his gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the man because of his gender.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted the complainant's concern that the emphasis by the advertiser that its call centres are located in Australia suggests that overseas call centres are undesirable, and that this is inherently racist.

The Panel noted that the advertisement refers to "Aussie based support team".

The Panel noted that some members of the community may interpret the advertisement as suggesting that overseas call centres should be viewed in a negative light and that in turn this presents a negative impression of overseas workers. The Panel considered however that the more likely interpretation is that the advertisement is stating that the call centre is based in Australia rather than overseas and that consequently it would be better able to answer local concerns.

The Panel noted that the advertisement does not make any comments about specific races or nationalities and whether they should or should not be working in a call centre which services customers in Australia and considered that the advertisement does not discriminate against people on account of race, nationality or ethnicity.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender or race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.5: 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 the Practice Note for Section 2.5 of the Code states:
"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."



Bloody

The Panel considered that the use of the word 'bloody' is a colloquial term used to express frustration or to emphasize what is being said. The Panel considered that the use of the word bloody in this advertisement is not aggressive and is used to emphasize how good the broadband is.

The Panel considered that most members of the community would consider that the language was not inappropriate and was not strong or obscene.

Freakin'

The Panel considered that the word 'freakin' is used as a non-offensive substitute for other swear words and is generally considered acceptable language. The Panel considered that the use of the word 'freakin' was not inappropriate and was not strong or obscene language.

Section 2.5 conclusion

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted a complainant's concern that the depiction of dangling feet in one version of the advertisement is similar to a person that has hanged themselves, and that this scene may be upsetting to some viewers.

The Panel acknowledged the complainant's concern and agreed that such a suggestion would be distressing. However the Panel considered that the scene is clearly shown in the context of the woman being lifted off the ground by the water pressure in her hose. The Panel considered that most members of the community would not share the complainant's interpretation of this scene.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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