



Case Report

1	Case Number	0091/15
2	Advertiser	Northern Rock Pest Control
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/03/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Violence Violence
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

Animated characters stand in an open area when one character "the Boss" says "Malaka, you forgot the spray." A slap sound is heard and the word smack shown on screen. The employee is then seen with a red hand mark on his face but he has ordered the spray now.

THE COMPLAINT

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

This advertisement shows a specific ethnic group (GREEK) using inappropriate language being the word WANKER translated in Greek dialect and depicts the employer physically abusing the employee by slapping him across the face and calling the employee a WANKER! The ad uses animated characters. My children speak Greek and English and have seen this ad. We are all shocked that there are swear words on TV ads during the day especially. I do not approve of my children hearing Greek swear words on TV ads and showing our culture as being crude, violent and disrespectful to other people. Please remove ASAP as this ad is racially offensive.

Malaka which means wanker in Greek... Day time viewers as children will think it appropriate way to speak...

THE ADVERTISER'S RESPONSE

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

As requested, Northern Rock Pest Control is submitting this information in response to a complaint you are received in regards to a TV advertising commercial we are currently airing on Darwin Channel 10.

As you have indicated in your email the complaint has raised an issue under section 2 of the AANA Advertising Code Of Ethics.

Currently Northern Rock Pest Control has been running the 'Malaka' ad from the 7th February until present (still on air). Due to the 'Malaka' ad having the PG rating the advertisement has only been run in the appropriate times set out in the guidelines for PG rated material.

Code Of Ethics:

2.1 – The 'Malaka' ad obviously is target towards Greek builders/concreters/trades. The word Malaka is the Greek version of the English word for wanker and the boss has a thick European accent.

We do not believe either of these elements of the commercial discriminate or vilify any section of the community. The PG rating assures it is only viewed in appropriate time slot.

2.2 - Not applicable

2.3 – The slap shown in the commercial is of a cartoon nature and due to the PG rating can only be shown in the time slots available for this type of content.

2.4 – Not applicable

2.5 – The word Malaka is appropriate in the context on the commercial as is shows typical day to day interaction between builders/concreter/trades.

Again, the rating of PG see's that it is only viewed within the PG rating guidelines.

2.6 – Not applicable.

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 features language which is inappropriate, and violent behaviour by an employer toward an employee.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this advertisement features animated characters portrayed as the employer and employee. The 'boss' speaks the worker saying "malaka, you forgot the spray." The word "smack" appears on screen and the sound of a smack is heard and this is followed by

the worker being shown with a red hand print on his face indicating where he has been hit. The worker is then shown apologising for the oversight as the problem is then fixed.

The Board acknowledged that there is significant community concern regarding violence, and specifically work place bullying.

The Board noted that the characters are animations and that the animation could appeal to children. The Board also noted that the combination of the life-like sound of the smack, the hand print on the workers face and the workers reaction of sadness and apology did amount to a depiction that was violent and that the violence was not justifiable, even if it is animated, in the context of the product advertised.

Overall the Board determined that the advertisement did breach Section 2.3 of the Code.

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 the use of the Greek word ‘malaka’ in the advertisement. The Board noted the advertiser’s response that the word ‘malaka’ can be translated as the Australian word ‘wanker.”

The Board noted the current advertisement is a television advertisement promoting a service that would be used by adult tradesmen. The Board considered that people who work in some of the trades depicted such as concreters, builders and other trades are adults and are accustomed to hearing language that would not be used in other fields and environments such as offices or schools. The Board considered that the use of the word ‘malaka’ is a Greek word that would not be understood by the broader community or children without translation.

The Board considered that in the context of the promotion of a service for the building and trade industries, the use of the word ‘malaka’ is not inappropriate and is depicted being used in a manner consistent with common Greek/Australian colloquial usage of the word wanker.

The Board considered that the advertisement did not use language which is strong, obscene or inappropriate in the circumstances.

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

Finding that the advertisement did breach section 2.3 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser confirmed that the advertisement is no longer being aired.

