



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0092/18
2	Advertiser	Brake & Auto parts Mackay
3	Product	Automotive
4	Type of Advertisement / media	Radio
5	Date of Determination	21/03/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The radio advertisement features a woman being entertained by her partner becoming angry and frustrated at trying to use car parts that he ordered online. The man in the advertisement is heard swearing, with the words beeped out.

THE COMPLAINT

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

Hearing this ad often...in the enclosed space of the car or at breakfast time, normalises the use of the F word. This is not something I want my children exposed to and I can't always turn it off in time. I think it is highly inappropriate and it should be removed from the air.

THE ADVERTISER'S RESPONSE





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

The Radio add in question has been removed from air effective from when i was first contacted about the complaint and has been replaced with another add.

It is very disappointing that this has happened. The Mackay region has a population in excess of 115 thousand people, Myself and the Radio Station have had hundreds of compliments on the commercial, and the general consensus seems to be that it is very clever, funny and memorable. I think that it is wrong that just because one person does not like the commercial that it then comes into question. If this person does not like the commercial then they have a wide choice of other radio station to listen to instead, approx 8 other radio stations in the mackay area.

THE DETERMINATION

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

The Panel noted the complainant’s 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 radio advertisement features a woman being entertained by her partner becoming angry and frustrated at trying to use car parts that he ordered online. The man in the advertisement is heard swearing, with the words an attempt to have beeped out.

The Panel noted the complainants’ concerns that the advertisement features the word ‘fuck’ three times and that although it is beeped over it is still obvious and inappropriate.

The Board noted it had previously considered a radio ad for Total Tools for a similar issue, in which:

“The Board noted...it is not clear what word the beep is replacing and considered that there are a number of words which could be used. The Board acknowledged that the



use of beeping sounds over an audio is a common broadcasting protocol used to ensure any inappropriate language is inaudible, even though it may be implied and considered that in this instance it is not clear that whether the word being replaced would be inappropriate or not.

The Board noted that the overall tone of the advertisement is designed to appeal to the target audience of male tool buying consumers and considered that the content of the advertisement is not inappropriate in this context, especially as the beeped out word is not audible. The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.”

The Board considered whether the beeping is sufficient to make it hard for a listener to discern the suggested word.

The Panel considered in the current advertisement the beep sound effect does not fully conceal the offensive language and that most members of the community would be able to clearly make out that the phrases ‘fuck a duck’, ‘gotta be fucking kidding me’ and ‘for fuck’s sakes’ are used in the advertisement.

The Panel considered that the words beeped over were not used in a light-hearted manner, rather they were used in an aggressive and frustrated manner and in a manner that is inappropriate for a radio advertisement promoting auto parts

The Panel noted that it has consistently determined that the word ‘fuck’ is considered to be a strong and obscene term and is not appropriate in advertising that is likely to be heard by a broad audience which would include children (0513/16, 0360/16 and 0034/17). The Panel also noted its community standards research (https://adstandards.com.au/sites/default/files/2017_community_perceptions_web.pdf) which supported the Panel’s view that, particularly in public areas and areas where children can see or hear the material, the community view is that this term still amounts to strong or obscene language.

The Panel considered that the beeping effect was insufficient to hide the strong language being used in the advertisement, and that the repetition of the strong language, and the aggressive manner in which it is used was not appropriate.

The Panel considered the audience of the advertisement. The Panel noted that this advertisement was played on a radio station which would have a broad listening audience including children.

The Panel considered that the language was not appropriate for the relevant broad audience. The Panel determined that the advertisement did breach Section 2.5 of the Code.



Finding that the advertisement did breach Section 2.5 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The Radio ad in question has been removed from air effective from when i was first contacted about the complaint and has been replaced with another ad.