



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0094/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Laminex</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/03/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a party in full swing. Two guys are making idle chat when someone catches their eyes. An attractive woman is walking towards them. As she approaches, peacock feathers fan out from behind both men. The woman then shows her diamond engagement ring to a friend. Seeing she is unavailable, the men retract their peacock feathers. Then a handsome man walks past one of the men's peacock feathers fan out just a little bit. Colour chips of the product are shown to indicate this is actually a story about 'Peacock' and 'Diamond' Laminex, which unexpectedly goes together brilliantly.

## THE COMPLAINT

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

*Woman is heard saying 'wow did you see the size of that cock?'. Totally inappropriate language and inference on prime time TV to advertise Laminex.*

## THE ADVERTISER'S RESPONSE

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

*The specific section of the Code alleged to have been breached is section 2.5 - Language/Inappropriate language.*

### *2.1 Discrimination or vilification*

*The scenario depicted in the TVC is a comic take on our tendency as humans to show off (represented by the two guys 'peacocking') in front of both men and women.*

### *2.2 Exploitative and degrading*

*The TVC does not exploit or degrade any individuals or groups and is inclusive of all groups. It depicts a light-hearted take on behaviour that is typical in a modern day society. The men in the ad are 'showing off' to both women and men.*

### *2.3 Violence*

*The TVC presents no violent material.*

### *2.4 Sex, sexuality and nudity*

*The light-hearted nature of the TVC narrative is inclusive of all sexualities. There is no sex or nudity in the ad.*

### *2.5 Language*

*The line of dialogue in question 'Wow, look at the size of that rock' was unfortunately misheard by the complainant and has as such has unintentionally caused offence.*

*We don't believe this will be a common misinterpretation as it is clear that the woman is looking at her friend's engagement ring when she delivers the line. 'Rock' is a very common slang term used amongst women when discussing engagement rings. The ring also has a 'bling' effect added that helps highlight it and make sense of the conversation between the two women.*

### *2.6 Health and Safety*

*The TVC does not depict any material contrary to prevailing community standards on health and safety.*

## **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 complainants’ concern that the advertisement features an inappropriate language especially on prime time television.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 Board noted that this television advertisement features a social gathering with two men standing in a kitchen. As two women walk toward them, peacock feathers fan out behind the men. The woman then shows her engagement ring to her friend. Noticing that she is unavailable, the men retract their peacock feathers, however, when a handsome man walks past one of the men’s peacock feathers fan out just a little.

The Board noted the scene after the women have passed by where a man walks passed the two main characters and one man’s peacock feathers fan out a little bit. The Board noted that this scene was suggesting that the man was slightly attracted to the passer by. The Board noted that his friend appeared shocked by this and that the advertisement used this shock to link with their tagline “Peacock and Diamond, that’s unexpected.”

The Board noted that even though the friend is surprised by the reaction he does not react negatively or in a derogatory way toward his friend and does not belittle him even though he thinks that he has just disclosed something new about himself.

The Board considered that the advertisement did not portray or depict material which discriminates against or vilifies a person on account of sexual preference. The Board determined that the advertisement did not breach Section 2.1 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 that the complainant has interpreted the comment from one of the women to say “wow did you see the size of that cock?” and that this language is inappropriate.

The Board viewed the advertisement and noted the advertiser’s response that the line has been misheard and that the friend that is admiring her engagement ring says “wow, look at the size of that rock.”

The Board agreed that the woman does actually say ‘rock’ and that the reference to ‘rock’ is accepted as a reference to the diamond or gem in the woman’s engagement ring. The Board noted that the use of the comment by the woman is a clever and deliberate play on words as the men stand very close with peacock feathers splayed behind them. The Board considered however that as the word ‘cock’ was not used, the language was not inappropriate or obscene and did not breach section 2.5 of the Code.

Finding that the advertisement did not breach the Code on any other grounds, the Board

dismissed the complaints.