



## Case Report

1	Case Number	0128/17
2	Advertiser	Logan Law
3	Product	Professional Service
4	Type of Advertisement / media	Outdoor
5	Date of Determination	22/03/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

This bumper sticker advertisement features the text, "Been t-BONED lately? Logan Law. No Win No Pay".

### THE COMPLAINT

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

*This advertisement does not comply with Section 2.4 of the code. The advertisement draws the audience's attention based upon an insensitive sexual reference. The advertisement shows no sensitivity to the relevant audience involuntarily exposed to such inappropriate advertising.(as any advertising on the rear bumper of a car is likely to be exposed to on aggregate a number of children beneath 10 years of age).*

*The insensitive sexual reference is inappropriate both to children whom will view it and for the audience at which such advertising is aimed ie persons of normal fortitude involved in a motor vehicle accident and seeking a compensation lawyer. Such persons would not find it of appropriate sensitivity to have the sexualised advertisement " Have you been boned lately? " put before them-especially since the targeted audience namely a person whom had been in a T-bone accident would give the traumatic and often life changing damage that such Motor Vehicle Accidents cause be unlikely to accept such misfortune circumstance being turned into an inappropriate sexual joke. In the same way that it would be entirely inappropriate for the*

*funeral industry to advertise with crude sexual comparisons to a phallus (Such as for example " CALL US IF YOU HAVE A STIFF ONE!")*

*I cannot see how it is sensitive to persons involved in Motor Vehicle Accidents to compare the trauma of a motor vehicle accident to a sexual activity involving a phallus. It cannot be seen that in producing a bumper sticker advertisement stating "Been Boned Lately?" they are displaying any degree of sensitivity to the relevant audience that is exposed to such a message. I urge the board's action on this matter and will lead with petitions from persons whom have been involved in Motor Vehicle Accidents if action is not taken.*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the issue and without accepting the bona fides of the complaint we have decided to discontinue producing or distributing any material which displays the slogan the subject of the complaint. Please note these items were issued to members of the public attending one of our marketing functions before Christmas 2016 and as you will appreciate we are not able to withdraw them from use by unknown members of the public.*

## **THE DETERMINATION**

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement features a sexual reference which is not appropriate for a broad audience which would include children.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that this sticker advertisement was viewed on the bumper of a vehicle and features the text, "Been t-BONED lately?"

The Board noted that the word 'boned' can have a sexual connotation but considered that in the context of compensation lawyers who deal with traffic accident claims the statement 'Been t-boned lately' also relate to being in a traffic accident.

The Board noted that the word 'boned' has been capitalised which draws attention to it but considered that in the absence of a sexual context the phrase is not of itself sexual and in the Board's view children would be very unlikely to read a sexual meaning in to the advertisement particularly when the sticker would be on a car bumper or rear window.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity

with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that the advertisement uses the word ‘boned’. The Board noted that boned on its own can have a sexual meaning (to have sexual intercourse) but considered that t-boned is a common colloquial phrase describing a motor vehicle accident where one vehicle hits the centre of another from the side, forming a letter T. The Board noted that some members of the community may find the advertisement to be crude but considered that overall the use of the phrase t-boned on a bumper sticker promoting legal services lessens the impact of any sexual innuendo, is appropriate in this context, and in the Board’s view ‘boned’ is not of itself strong or obscene language.

The Board noted the complainant’s concern that the link between a motor accident and a sexual activity could be upsetting to those affected by the trauma of a motor vehicle accident. The Board expressed sympathy with those affected by motor vehicle accidents but considered that the advertisement is clearly in the context of a legal firm offering its services to people who have been in such an accident and in the Board’s view the innuendo is not strong enough that most reasonable members of the community would find it offensive or upsetting.

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.

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