



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0136/18
2	Advertiser	JC Spares
3	Product	Automotive
4	Type of Advertisement / media	Radio
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement is advertising hardware at JC Spares. The first line of the advertisement says it's Richard at JC Spares, but you might know him as Dick. Advertisement encourages listeners to come in and ask Dick about his nuts...and bolts too.

THE COMPLAINT

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

Offensive insinuation of sexual connotations not appropriate for children to hear - ad is run during the day, when children will be listening.

THE ADVERTISER'S RESPONSE

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

I write in response to the complaint we have received regarding our radio ad.





I have attached a copy of the ad for your reference, I don't have a script for the ad and to be honest I have not had the time to transcribe it for you. I run a small family business so time to respond is hard to find and the notice you give is quite short so please understand that if this response is lacking in depth it is due to a lack of time...

I have just read through the code of ethics that you reference in your notification and I will respond to each of them 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.

- The only person or section of the community referenced in the ad is myself.*

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.

- There is no sexual appeal applied to the ad therefore it is no way exploitative or degrading.*

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.

- The ad references or portrays no form of violence.*

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

- The ad involves a play on words, to my detriment and no others... My name is Richard Cumming, I have been being called Dick for over 20 years and there are numerous members of the local community who only know me as Dick. I have learned to embrace the name rather than fight it, I spent many years as a child being bullied for having the name Dick Cumming and for many years have tried used it to my benefit instead of being used by others against me.*

- There are no directly sexual references in the ad; the ad states that my business, JC Spares, has a new range of industrial nuts and bolts with the lines "Dick's got nuts, and bolts" and "come in to JC Spares and ask Dick about his nuts, and bolts too".*

- I have a family of my own with 2 young children and I am more than comfortable with them hearing the ad.*

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.

- *There is no language used here that is not considered appropriate or relevant in my opinion, and there is definitely no offensive language used. The only person who could be directly offended by the ad would be me by being called Dick instead of Richard, but I have already gone over that...*

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

- *This is completely irrelevant to my ad.*

In direct response to the person who wanted to whinge about my ad without putting their name to it; there are a lot of things in today's society that are a whole lot worse than the bit of a laugh my customers get from hearing this ad. I can understand that not everyone is going to like everything, but there is much more obscene and sexualised content getting around all forms of advertising today. The term "sex sells" has been used for years and we are living in a culture where sexuality and sexualisation of people is getting unbelievable, wouldn't your time be better suited to campaigning those in charge of classifying content to remove nudity from MA TV shows like Game of Thrones, or getting rid of TV music videos that objectify women and over sexualise them just to sell a shitty song...if they don't like my radio ad they will surely hate the t-shirts we sell that say I love Dick @ JC Spares.

Anyway; I believe the ad to be ok but that's because I wrote it, and I wouldn't have done it if I didn't think it was ok. Now it's up to you to decide your "opinion" and pass judgement over whether or not your "opinion" is a large enough sample size compared to the whole area of the New England in northern NSW listening to the ad for over a year, to decide that the ad isn't suitable. One complaint, only one...must not be that bad, or maybe that's just my "opinion".

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement contains inappropriate sexualised content which is not suitable for children to hear.

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

The Panel 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 Panel noted this radio advertisement is advertising hardware at JC Spares. The Panel noted the pauses between words, such as “come in to JC Spares and ask Dick about his nuts...and bolts too”.

The Panel noted that Dick is a common and well known nickname for Richard. The Panel considered the advertiser’s response that the references to Dick are directly related to the business owner and his name.

The Panel considered the advertiser’s response that the business has a new range of industrial nuts and bolts and noted that there are no direct sexual references in the advertisement and the tone of voice and delivery of the advertisement are not sexualised.

The Panel considered that using product names such as nuts and bolts with a double entendre does not make them excessively vulgar, although the medium in which the advertisement is broadcast will affect whether or not the sexual implications are appropriate.

The Panel noted that the advertisement was aired on radio at various times throughout the day. The Panel considered that the advertisement was presented in a matter-of-fact way with no sexual music or tone of voice. The Panel considered that the delivery of the advertisement was not overly sexualised. The Panel considered that the level of sexual innuendo was modest and was suitable to be heard by a broad audience that would include children.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

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

