



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0143-20</b>
<b>2. Advertiser :</b>	<b>Prime Video</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>22-Apr-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features scenes from the comedy special 'All talk' by Celia Pacquola. These includes scenes of Celia Pacquola stating, "As a people Australians we're generally pretty cool, pretty good people. Can't take a compliment, you've got to deflect it, like 'Hey I like ya...' 'Nah shut up'. I'm worried I won't be able to stop. That one day someone will be like 'Celia, congratulations. Heard you had a baby.' 'Yeah just a shit one. It's got beady eyes, it's probably going to grow up to be a parking inspector. I hate it.' "

### THE COMPLAINT

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

*Do not swear on an advert. It is not appropriate nor can I sensor it for my children. I can sensor the shows they watch but not the advertisement. The show airing was PG and a train journey show. I found the advertisement very offensive and inappropriate for the time plus no swearing should be on adds. This is too low for TV. Remove the add.*

*Celia Pacquola stand up comedian. Advertising her up coming tour. Doing a not very funny bit about Aussies not taking compliments. Says something about a child like*



*"he's shit!". Foul language. Parents shouldn't have to worry about their children being exposed to this type of language at 6.50pm on the evening. Channel win bold friday 10th April 6.50pm*

*The communication ran at 6.15 pm while children were around. The communication included swearing- specifically the word "shit". The communication is not suitable for this time slot.*

## **THE ADVERTISER'S RESPONSE**

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

*The advertisement is compliant with each element of Section 2 of the Code, as detailed further below. The advertisement is a 30-second trailer for the stand up comedy special of Celia Pacquola titled All Talk. It was rated by CAD as J and our media agency states that they only purchased media to run during the hours of 6pm – 10.30pm. The run of this advertisement has been completed and there are no current plans to re-run it.*

*2.1: The advertisement does not discriminate or vilify anyone based on race, ethnicity, gender, nationality, age, sexual preference, religion, disability, mental illness, or political belief.*

*2.2: The advertisement does not employ sexual appeal.*

*2.3: There is no portrayal of violence in the advertisement.*

*2.4: There is no depiction of sex, sexuality or nudity in the advertisement.*

*2.5: The language used in the advertisement was appropriate for the circumstances. The advertisement uses the word "shit" once in a joke but the advertisement was rated J by CAD, which allows it to be "broadcast at any time of day, except during P and C programs or adjacent to P or C periods." Our media agency maintains that they bought media only from 6pm – 10.30pm for this campaign.*

*2.6: There is nothing in the advertisement that is depicting material contrary to community standards on health and safety.*

*2.7: The advertisement is clearly distinguishable as an advertisement for Celia Pacquola's stand-up comedy special available on Amazon Prime Video as it clearly identifies the special at the start and ends with a clear identification and call to action to viewers that the special is available on April 10 only on Amazon Prime Video and indicates that subscription fees apply.*

## **THE DETERMINATION**

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



The Panel noted the complainants' concern that the use of the word "shit" was not appropriate for family viewing times.

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 advertisement had received a 'J' rating from ClearAds, meaning that they "May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children." (<https://www.clearads.com.au/storage/clearads-handbook-edition-8-2.pdf>)

The Panel noted that the Practice Note for the Code provides:

*"Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are "bugger", "shit", "pissed off", "crap", "bloody", "cheap bastard", "bum", and "balls"."*

The Panel noted it had considered an advertisement featuring the words "wanker" and "knob" in case 0327-19 in which:

"The Panel noted that the words "wanker" and "knob" are not obscene words although recognised that some people in the community would consider this strong language which would not be appropriate to broadcast to children. The Panel considered however that these terms are used colloquially in the Australian vernacular. The Panel noted that the language is used towards another person in the advertisement, advising them not to drink and drive and therefore be a wanker/knob, but the Panel considered that the use is not demeaning or aggressive, but rather imploring their friend to be responsible. "

In the current case, the Panel considered whether the advertisement used the word in a manner which was aggressive or demeaning towards a hypothetical baby, but considered that the advertisement is clearly in the context of a comedy show, as Ms. Pacquola is depicted on a stage with an audience, and considered that it was not used in a manner which was intended to offend or which most members of the community would find to be aggressive or demeaning.

The Panel noted that some members of the community may consider the word "shit" to be strong or obscene and inappropriate for any audience, however considered that it is common in the Australian vernacular and in this instance it was used in a comedic manner and was not inappropriate for a broad audience.



The Panel 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 Panel dismissed the complaints.