



Case Report

1	Case Number	0167/15
2	Advertiser	Squirrel Super
3	Product	Finance/Investment
4	Type of Advertisement / media	Radio
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

There are four different versions of the Squirrel radio advertisements. The advertisements discuss how a simple Squirrel can set up self managed superannuation and feature conversations between squirrel characters.

Version 1: "my nuts are shrinking" "Coz you're a possum...be a squirrel and grow your nuts"

Version 2: "check my nuts!" "A squirrel's gotta be happy with those nuts!"

Version 3: "I wish I had the nuts to buy an investment tree"

Version 4: "Self managed Superannuation is easy to set up and easy to manage thanks to Squirrel.com.au"

THE COMPLAINT

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

I feel that the advert is deliberately playing on a smutty double meaning by saying 'My nuts are bigger than your nuts'. The double entendre goes on throughout the advert.

This company is stooping to unacceptably low levels in an attempt to get the attention of

listeners. I believe that adverts like this devalue the medium whilst they should be attempting to elevate the same. I am not a wowser - far from it but I am embarrassed to hear such smutty innuendo in radio adverts. I tried to explain my feelings nicely to Squirrel but they went on the defensive without considering what I had to say.

THE ADVERTISER'S RESPONSE

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

Squirrel currently has a series of advertisements airing on radio 2UE and 2GB. All are designed to represent 'good Aussie blokes' as our Squirrels or Possums. The advertisements discuss how a simple Squirrel can set up self-managed superannuation; the "Possums" in our series are those consumers who use financial planners and continue to be charged enormous fees, commissions etc.

We have used the Squirrel character as the animal is well known to hoard their nuts i.e. save for a rainy day as a result this articulates the importance of retirement savings with a message that cuts through. Our advertising is designed to demonstrate that by using SMSF, a Squirrel can grow their nuts as they are not wasting money of fees. Squirrels are very careful and guard their nuts in the wild: direct relationships to the retirement industry

- 1. Squirrel does not believe our advertising is "smutty".*
- 2. The objective of our creative is to articulate that SMSF is in fact something anyone can manage - even a Squirrel.*
- 3. Squirrels are regarded as hoarders of their food stuffs (nuts). To Squirrel away is a common language*
- 4. Nuts are a Squirrel's "wealth" therefore the Squirrel with the most nuts is akin to the human with the largest super*
- 5. Our Squirrels and Possums are essentially a couple of guys having a chat over a coffee or a beer (that is the context)*
- 6. Squirrel received 1 complaint - which used identical language to that which the ASB received. The particular complaint received by Squirrel was sent to our general client service inbox - this message included references to "porn, sexual freedom, male genitalia" a direct quote was "it sounds like the juvenile lavatory humour that amuses empty headed Rugby League footballers". As CEO of Squirrel I responded to the individual advising in the strongest possible terms not to contact our organisation every again and never to send emails which contain filthy references (porn, sexual freedom, genitalia) to my employees every again. Our IT department then permanently black-listed this individual's email account.*
- 7. Since the launch of our radio campaign Squirrel has received fantastic feedback from clients & social media on how much people love our advertising - especially as it is different and does its job of making what was traditionally very complicated seem so simply "even a squirrel can do it".*

8. *The term "My nuts are bigger than your nuts" does not appear anywhere in our creative.*

9. *Personally I find it is the mind of the complainant that has drawn a smutty conclusion and not our advertisements - at least our clients don't they draw the reference to cute Squirrels and even the Chipmunks cartoons from the 90s.*

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 complainant's concern that the advertisement features characters using sexual innuendo that is inappropriate and offensive.

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 there are several versions of the radio advertisement featuring two characters who are supposedly squirrels talking about self-managed superannuation funds and making a link between growing investments and growing nuts.

The Board noted that the term "nuts" is commonly understood to colloquially mean "testicles."

The Board noted that the references to nuts in these advertisements is intended to be humorous by making an association between investing and squirrel behaviour of gathering many nuts at a time and keeping them for seasonal periods when food is hard to find.

The Board considered that there was a deliberate intention to include a double entendre but considered that the sexual nature of the innuendo is mild and that young listeners may not necessarily understand it.

The Board noted that the radio advertisements would be heard by a broad audience but considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 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".

As mentioned above, the Board noted that the use of the term "nuts" in this manner is a mild innuendo but is not a term that most members of the community would find strong, obscene or offensive and 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.

