



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0185-20
2. Advertiser :	ReAmped Energy
3. Product :	House Goods Services
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	24-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

A young girl comes into her bedroom with a new nightlight. She places it on her bedside table and plugs it in. The room is filled with toys. The girl sits up on her bed and starts reading as the rabbit shaped nightlight comes to life.

RABBIT - Yay I'm alive! Ohh. What's this?

BEAR - It's ReAmped Energy mate!

RABBIT - ReAmped Energy?

BEAR - Yeah yeah yeah. ReAmped Energy! They're different. Independent! Simple prices.

ELEPHANT - Oh, Settle down. He's not wrong though, there's no lock in contracts either. They don't believe in that nonsense.

RABBIT - Wow. The family must really love you lot to use ReAmped Energy?

The girl looks over at the toys, she has been listening

GIRL - To be honest. It's mostly the prices.

The animals all stop talking. We focus on a shocked looking toy that is surprised that they could be heard by a kid.

TOY - Holy Fa...

The toy gets cut off by the Elephant

ELEPHANT - No. Body. Move.

The girl is shown sitting on her bed with a book.

ELEPHANT - To see what you could save head to reampedenergy.com.au



THE COMPLAINT

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

This ad would obviously attract young children and 1 of the toys very loudly and clearly says "Holy fu"

We've seen it a number of times- before 8pm.

It's not suitable for children and the fact the ad includes toys and a child is totally inappropriate. The inclusion of these draws kids in to the ad, and then hits them with a reference to a totally inappropriate swear word.

It's also on during family shows, such as Paramedics and Taronga Zoo programmes.

My children watch this as it is connected to PG programs we watch. My children have asked if the toys are swearing. This is suggestive bad language

One toy is heard saying " holy Fuck". This is highly offensive and inappropriate. Especially as the advertisement is set in a young girl's bedroom and it is also played during prime time TV, watched by our below school aged children. Such advertisements should not be permitted on TV.

One of the toys almost swears " Holy Fu..." Why is this necessary in an ad that would appeal to young children?

THE ADVERTISER'S RESPONSE

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

This advert incorporates our cheeky challenger attitude and is designed to appeal to parents by showing that, even in a child's imagination, ReAmped is an obvious choice if you would like to save money on power. The use of a child imagination is designed to appeal to parents by making reference to other children's programming that has adult friendly comedy hidden within the subtext.

Toys and alarm clocks do not speak. When a child hears them speak this is in their imagination. What is being imagined in this case is up to the viewer. The script says "Holey far", potentially a child might finish that sentence as holy fart or holey farm animal. We leave it open to parents to interpret what that toy might be saying. But the joke is simply that the toys are surprised that the child can hear them (with the clever of us maybe picking that the talking only ever occurred in the child's imagination in any case).



It is designed to be family friendly and cute, with a nugget of 'edgy'. This is on brand for a challenger power provider like ReAmped Energy.

ReAmped note that the content was not designed to offend, and that the inference to a swear word is not made directly, and that interpreting it this way requires an adult imagination. A child would be unlikely to imagine an obscene word. And furthermore, even if a viewer imagined an obscene word was to come, it was not actually stated in the ad. The word "far" is not in itself offensive or obscene. It is also noted that it is not a child that is saying "far", it is a toy of undiscernible age.

We note that previous examples of swear words being beeped out (even when stated by children) have been previously dismissed.

We therefore do not deem that we are in breach of Section 2.5 of the code with this content.

Thanks for considering this, and for your time. And please do reach out to us if you require further comment on this matter.

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' concerns that the advertisement is attractive to children and features swearing.

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 the complainants' concerns that advertisement uses the word 'fuck', and although it was cut off and only the "fu-" is heard it is still clear enough for children to understand, and the theme of the advertisement would get children's attention.

The Panel noted the advertisement aired on TV On Demand and had therefore not received a ClearAds classification restricting its broadcast time and noted that the relevant audience would therefore be broad and would include children.

The Panel considered that the suggested depiction of a stuffed toy swearing would have a similar impact to a child swearing.



The Panel noted it had previously upheld an advertisement that featured a child swearing in case 0466/17 in which:

“The Board noted that whilst most members of the community would not expect a child to actually say the word “fucking” in a television advertisement, in the Board’s view the way the beep is used has the effect of accentuating the word and makes it appear that the child is using a strong swear word... The Board noted that the depiction of the boy and the manner in which he speaks is playing on the well-known behaviour of celebrity chef Gordon Ramsey. The Board reiterated that advertisers should take care when using children in advertisements to mimic the behaviour of adults and that this includes using language that may sometimes be considered acceptable for an adult but not children...”

However, the Panel noted it had previously dismissed an advertisement that featured a child swearing in case 0109/157 in which:

“The Board noted the complainants concerns in particular that the young boy copies his father and uses the word ‘bloody’ himself. The Board agreed that the overall tone of the advertisement was highlighting a camping trip and time spent with a father and son and that the son copying his father in this instance was not abusive or angry and that the father is not condoning or encouraging the child to swear or to use inappropriate language toward other drivers.”

The Panel noted the advertiser response that the word cut off could be fart or farm animal, but considered that this argument was disingenuous.

The Panel noted that the word is not beeped out but rather is cut off. The Panel considered that this treatment made the suggestion of a swear word less explicit as there is not a beep drawing attention to what may have been said.

The Panel considered that the partially disguised word is not used in a manner that is aggressive or demeaning, but rather to convey a sense of shock or surprise that the young girl is talking to the toys. The Panel considered that adults may make an assumption that the cut off word is meant to suggest the ‘f’ word but considered that this is not likely to be understood by younger children.

The Panel considered that the advertisement did not use strong or obscene language and that the language was not inappropriate, 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 Panel dismissed the complaints.