



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0247-20
2. Advertiser :	McGrath Estate Agents
3. Product :	Real Estate
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This television advertisement features the voiceover:

This is a no bulls -BLEEP- t ad for apartments. No flash cars. No beautiful models. No fancy coffee's. Just well designed, well built, great value apartments. At 81 Wentworth Ave in Kingston. With 1, 2 and 3 bedroom apartments selling now. Visit 82Wentworth.com.au for more information.

It features the imagery:

"82W. No BS." A luxury car appears on screen, then gets crossed out. A fashion model appears on screen, then gets crossed out. A cup of coffee appears on screen, then gets crossed out. Various renders of apartment development. "82 Wentworth Ave. Kingston". More apartment renders. "82Wentworth.com.au"

THE COMPLAINT

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

They wrote "BS" on the screen, and if that was not bad enough they then said "Bull Shit". This is prime time television! Inappropriate language like this should NOT be broadcast during prime time television. Late at night it MAY be acceptable.



THE ADVERTISER'S RESPONSE

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

We refer to the complaint lodged with Ad Standards (case number 0247-20) alleging that our commercial violates AANA Code of Ethics 2.5 – Language. The reason for concern was listed as the following:

"They wrote "BS" on the screen, and if that was not bad enough they then said "Bull Shit". This is prime time television! Inappropriate language like this should NOT be broadcast during prime time television. Late at night it MAY be acceptable."

We do not consider that we have violated this code. Firstly, we note the following contained within the AANA Code of Ethics Review Discussion Paper 2019 (<https://aana.com.au/content/uploads/2019/09/AANA-Code-of-Ethics-Review-Discussion-Paper-September-2019.pdf>) which pertains to section 2.5:

"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"."

In our instance, we are using the 'bleeped' term – 'bulls – BEEP – t' (and also the shortened super 'BS') in a humorous way to highlight a lot of the unnecessary fluff contained within property advertising. This term is in widespread use within Australia to call out things that are not true or are unnecessary.

Furthermore, we bleep out this term in the Voice Over, so it cannot be heard in full. The super is written as 'BS' so also does not contain the full word. These were both purposely done to ensure that this ad did not offend.

In any event, we do not consider that there is any strong or obscene language contained within the 82 Wentworth TV commercial.

Our TV commercial also does not discriminate against, or vilify any group or individual (ie ANNA 2.1 of the code).

Our TV commercial does not exploit or degrade any group or individual (ie ANNA 2.2 of the code).

Our TV commercial does contain any violence (ie ANNA 2.3 of the code).

Our TV commercial does not contain any sex, sexuality or nudity (ie ANNA 2.4 of the code).



Our TV commercial does not contain any health or safety issues (ie ANNA 2.6 of the code).

Our TV commercial is distinguishable as advertising, through use of voice overs, supers and call to action (ie ANNA 2.7 of the code).

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 complainant's concerns that the advertisement depicts "BS" on screen and a person saying "bullshit", and that such language is unacceptable.

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 Practice Note to the Code which states:

"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 first considered the text on screen - "BS". The Panel noted that in the context of the advertisement, "BS" is an acronym for "bullshit". The Panel considered that, although implied, the word in full is not used in the advertisement and that most members of the community would consider that the unspoken abbreviation is not inappropriate for a broad audience.

The Panel then considered the scene of a person saying "bullshit". The Panel noted that the word is not spoken in whole, the "shit" part is beeped out - however the word intended is still clear.

The Panel noted that the word "bullshit" is commonly used to signify a belief that something is nonsense or rubbish, and that the use of the word in the advertisement was consistent with this theme.

The Panel considered that such language is not uncommon among adults. The Panel noted a card game commonly referred to as "bullshit", a segment titled "I call



bullshit” on popular radio program Kennedy and Molloy, and a television program titled “Penn & Teller: Bullshit!” are contemporary examples where the term ‘bullshit’ is commonly accepted as appropriate vernacular.

The Panel noted that in the advertisement the word is not used in an aggressive or demeaning manner, but rather is used to emphasise that the company will not attempt to trick or deceive people in regard to the marketing of a contemporary real estate development.

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 complaint.