



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0260/18
2	Advertiser	Gnomes
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two casually-dressed men wearing sunglasses and sitting on a bench with their backs to the wall. One man says “Nice deck, Bro, what is it?” and the other man replies “It’s a Colour Deck”. On screen is a still photo of a pool surrounded by a timber deck constructed using Colour Deck. A voiceover briefly describes the product and informs consumers where they can buy the decking.

THE COMPLAINT

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

It is clearly meant to play upon the use of a NZ accent to indicate that a coloured 'dick' is admirable.

It is offensive and intentionally so!

THE ADVERTISER’S RESPONSE



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

Re: Complaint Reference Number: 0260/18

Advertisement can be viewed at: <https://www.youtube.com/watch?v=jM3CNNPdLNo>

Title of Video: Gnomes Timber and Landscaping Supplies Taree

We are in receipt of your letter dated 22 May 2018 with regard to a complaint received by Ad Standards in relation to one of our television advertisements, specifically advertising a product known as 'Colour Deck'. This advertisement currently airs on our local Prime Television station, having appeared continuously for the last two years, since May 2016. During this time, we have received substantial community feedback regarding this advertisement which we note has been overwhelmingly positive with an appreciation for the mild innuendo contained within. We respectfully disagree that the advertisement is intentionally offensive and would strongly argue that innuendo is both a popular and time-honoured convention in advertising as a method of engaging consumers.

We note that the specific section of the code that is alleged to have been breached is 2.5 Language and we hereby address the complaint directly.

Our advertisement features two actors of New Zealand origin whose native accent suggests the word 'deck' can be misheard as 'dick'. We acknowledge that this is sexual innuendo, however we argue that it is low grade and mild in nature. The actors use the word a total of two times. Actor 1 says 'Nice deck, Bro, what is it?' and Actor 2 replies 'It's a Colour Deck' while leaning back to admire the view. This is followed immediately (at the 6-second mark) with the words 'Colour Deck' and 'Tinted Treated Pine Wood Decking' superimposed on screen over a photograph of a deck surrounding a pool, visually reinforcing the subject of the advertisement. The voice-over (in an Australian accent) reads the text on screen. In other words, it is made very clear at this early point in the advertisement, and on screen, that the word they are using is most definitely 'deck'.

The complainant further suggests that Actor 1 looks at the groin of Actor 2 but we would strongly argue that this is an entirely subjective response. The men are wearing sunglasses and Actor 1 is looking down and sideways but given we can't see below their waistline it is impossible to determine exactly where he is looking and we argue that this is therefore not explicit in nature.

It is our view that the language used is neither strong, obscene nor inappropriate, and would be considered to be mildly risqué and benignly comedic to a majority of intended viewers. The rating of the advertisement does not allow it to be run either within or adjacent to children's programming and it is thus used in appropriate timeslots when the most likely viewer is an adult. In this context, and given the target



audience, we would like to note that in a previous determination by Ad Standards in Case Number 0011/16 that:

“innuendo is common in the Australian community and is used for a light-hearted reference in many contexts”

Further, we would like to note that the Ad Standards Board has previously dismissed instances of innuendo and suggestive pronunciation in Case Numbers 0266/17 and 0064/17. In particular relevance to our advertisement, in Case Number 0266/17, the board dismissed the complaint arguing that:

“although the pronunciation of ‘deck’ in the advertisement does sound like ‘dick’ in the Board’s view while this is a cheeky use of an accent it is made clear that the man is saying ‘deck’ and not ‘dick’. The Board noted it had previously dismissed complaints about the use of the word ‘ship’ which sounded like ‘shit’ in case 0064/17.”

We do not consider that our advertisement raises any issues under any of the other sub-sections of Section 2 of the AANA Code of Ethics and we respectfully request the Board considers our submission in light of the information provided herein.

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 concern that the advertisement makes references to a ‘deck’ but uses a New Zealand accent to make the word sound like ‘dick’.

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 this television advertisement shows two men sitting on a bench. One glances towards the other and says "Nice deck bro, what is it?" The other replies "It's a coloured deck". The advertisement then shows a deck surrounding a swimming pool and the voiceover lists prices.

The Panel noted the complainant’s concern that the man’s accent means that the



word deck sounds like dick, and that the term “coloured deck” is used as a suggestive term for the man’s genitals.

The Panel noted it had previously dismissed similar complaints about a radio advertisement in case 0266/17 in which:

“The Panel noted in the current advertisement that because the voiceover has a strong New Zealand accent, the word ‘deck’ does sound similar to the word ‘dick’. The Panel noted that it is made clear by the end of the advertisement that the advertised product is for painting decks but a minority of the Panel considered that some members of the community could find the language in the advertisement to be confrontational until they realised that this was the case and in their view the advertisement did use inappropriate language.

The majority of the Panel however noted that the advertised product is an acrylic finish for decks and considered that although the pronunciation of ‘deck’ in the advertisement does sound like ‘dick’ in the Panel’s view while this is a cheeky use of an accent it is made clear that the man is saying ‘deck’ and not ‘dick’. The Panel noted it had previously dismissed complaints about the use of the word ‘ship’ which sounded like ‘shit’ in case 0064/17 where “The Panel noted that after the father says they are right up by Ship Creek, the daughter corrects him and says, “Up ship creek’ and considered that while the inference is that the man has said ‘shit’ he clearly says ‘ship’.””

In the previous case, the word ‘deck’ in a New Zealand was used repeatedly and was not combined with an Australian accent clarifying the word. In the current case, the Panel noted that ‘deck’ is used twice and the advertisement quickly cuts to scenes of decks. The Panel considered that this quickly resolves any misconception as to what word is being said.

Consistent with the previous determination, the Panel considered that the actual language used in the advertisement is not strong or obscene. The Panel noted the repeated use of the word ‘deck’ which sounds similar to ‘dick’ due to the voiceover’s accent and considered that as it is made clear the advertised product is for decks in their view the language used is not inappropriate for a broad audience which may include children.

The Panel considered that the advertisement did not use strong or obscene language and that the language was no inappropriate. 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 complaint.

