



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0270/14
2	Advertiser	Kingston Park Raceway
3	Product	Sport and Leisure
4	Type of Advertisement / media	Radio
5	Date of Determination	13/08/2014
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A child's voice can be heard commenting on the slow driving skills of the person driving the car he is a passenger in. The child's final comment is, "If that tool would just get outta the way! Loser". A voiceover then goes on to say, "These holidays shut the little ba...ack seat drivers up" and goes on to give details of the activities available at Kingston Park Raceway.

### THE COMPLAINT

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

*I find this advertisement offensive as, to me, it depicts that it is normal and acceptable for children to behave in a rude and offensive manner to their parents, or adults that are driving them around. The statements made by the child in the ad. make it sound acceptable for safe driving habits to be ridiculed, and therefore, unsafe habits encouraged. The fact that it is considered acceptable for a child to be portrayed as speaking to an adult with such disrespect, then get rewarded it for it with an outing is deeply offensive to me.*

*Use of the words 'loser' and 'tool' and reference by the father children being bastards. Completely inappropriate language used by the child in the ad, disrespectful and a poor role model for children. My two boys have unfortunately latched onto this advert and mimicked the tone. Very disappointed that we are using this type of advertising to promote a product.*

### THE ADVERTISER'S RESPONSE

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

*It is not our intention to offend or insult anyone and this was just an ad that took the micky out of screaming kids in the back seat during school holidays*

*However we discussed your email with our radio station and last Wednesday they agreed to make some minor changes that took out the reference to loser and tool from the copy*

*We hope that this is an acceptable action to you.*

## **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 complainants’ concerns that the advertisement features a child making derogatory comments to his parents and the language used is offensive and inappropriate.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this radio advertisement features a child’s voice commenting on the driving skills of the parent driving the vehicle they are in.

The Board noted that the child is heard to say, “I didn’t know I was in the car with Nan”.

The Board noted the tone of the child’s voice and considered that the reference to his Nan is intended to imply that the driver is not driving very well. A minority of the Board considered that this reference to an older person is disrespectful and discriminatory as it implies that to drive a vehicle in a manner similar to an older person is a negative action.

The majority of the Board acknowledged that the child is implying to drive like a Nan is not a good thing but considered that overall this comment does not meet the test for material which discriminates or vilifies a person or section of the community on account of their age.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board 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 and strong or obscene language shall be avoided”.

The Board noted the child is heard referring to the driver of another vehicle as both a “tool” and a “loser”. The Board noted that these terms are not of themselves strong or obscene words but considered that the community takes a different view on language when it is spoken by a child rather than an adult. The Board noted the Community Research undertaken by Colmar Brunton in 2012 which focussed on community perceptions of the Board’s decisions and highlighted that the community was more conservative than the Board with regards to the use of strong or inappropriate language in advertising (ASB Community Perceptions 2012, Colmar Brunton Social Research). In this instance the Board noted the aggressive way in which the child is speaking and the abusive delivery of the comments. The majority of the Board considered that the use of the words, “tool” and “loser” in the context of an abusive delivery by a child to another person amounts to language that is inappropriate in the circumstances.

The Board noted that the advertiser had responded to say that they had made a modification to the advertisement to remove the use of the words, “loser” and “tool” from the script.

The Board then noted the voiceover’s reference to children as “little ba...ack seat drivers”. The Board noted that the voiceover changes the word it is going to say to ‘back’ and considered that the implication is that the original word would be ‘bastards’. The Board noted that it had previously dismissed the use of the phrase, “little bastards” on television in cases 0033/12 (John Cleese calls puppies ‘little bastards’) and 0390/13 (Sophie Monk refers to her body fat as ‘little bastards’). The Board noted in the current advertisement that the word ‘bastard’ is not actually used and considered that consistent with its previous determinations the inferred reference to children being ‘little bastards’ is being used in an affectionate manner consistent with common Australian vernacular.

Based on the above the Board determined that the original version of the advertisement, containing the words “loser” and “tool”, did breach Section 2.5 of the Code.

Finding that the advertisement breached Section 2.5 of the Code, the Board upheld the complaints.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Our radio station reacted within 24 hours of receiving your initial email and made changes that took out the reference to loser and tool from the copy

The revised script went to air the following day with no further complaints to my knowledge from the complainants who contacted you initially.

Thank you for the way this matter was brought to our attention and please continue your good work.