



## Case Report

1	Case Number	0277/11
2	Advertiser	WSFM
3	Product	Media
4	Type of Advertisement / media	Radio
5	Date of Determination	10/08/2011
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language      Use appropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement featuring a male presenter talking about the weather and saying it is "looking a bit shh". He repeats the word "shh" a few times and the clarity of the advert is such that you think he would have been saying "shit".

A voiceover then goes on to promote digital radio for a static free reception and says to go to [digitalradioplus.com.au](http://digitalradioplus.com.au) for your nearest retailer.

### THE COMPLAINT

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

*This is on during inappropriate times when my young children can hear. I stopped listening to Today FM because of the language and I don't expect this off WSFM. I don't think an advertisement using bad language should be allowed at this time of the day when young children can hear it. It is unsuitable. It is difficult enough for parents to protect their children in this world and when adverts pop up on a radio which usually is OK to listen to it is too late once the advert has started to turn off or switch channels. Adverts with such language should be limited to after a watershed.*

### THE ADVERTISER'S RESPONSE

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

*The commercial is produced on behalf of Commercial Radio Australia (CRA) to promote benefits of Digital Radio DAB+.*

*This commercial is played by CRA member stations (200+) across Australia free of charge. The word that the complainant found inappropriate is 'shit'. The commercial uses the word but fades in and out, so that the whole word is never heard. This is to simulate what happens with analogue radio when compared with crystal clear digital sound.*

*As of today's date, ARN has not received any other complaints regarding this commercial. I trust the above and enclosed is sufficient for your enquiry.*

## **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 uses inappropriate language.

The Board reviewed the advertisement and noted the advertiser's response

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 that the advertisement is promoting digital radio and features static so that some words are not clear, and that on a few occasions the word 'shhhh' replaces the probably intended word "shit". The Board noted that the word 'shit' is not actually heard, but is covered by static.

The Board considered that the term was used in a manner that is consistent with colloquial usage in Australia and was used not in an aggressive manner. The Board noted that the advertisement could be heard by children but considered that, despite being able to be heard by children, most members of the community would consider that the language inferred to in the advertisement was not inappropriate and was not strong or obscene.

The Board 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 Board dismissed the complaint.

