



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0282/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Coles</b>
<b>3</b>	<b>Product</b>	<b>Retail</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/07/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.5 - Language            inappropriate language
- 2.4 - Sex/sexuality/nudity    S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

There are two near identical versions of the same television advertisement, one which was broadcast in metropolitan Sydney and the other broadcast in metropolitan Melbourne.

#### Advertisement 1

The focus of Advertisement 1 is a mock press conference where the comedian and actor Dawn French introduces a "save \$100 guarantee" that Coles Car Insurance is offering when customers who are over 30 and live in Sydney switch from a comprehensive NRMA, AAMI or GIO policy to Coles comprehensive car insurance. The advertisement also highlights a flybuys extra points promotion that customers will receive if they take out a Coles Car Insurance policy. Throughout the advertisement, Dawn French is also seen driving around a park in a mini cartoon-like car and at the end she drives past two male joggers and calls out to them, "Stop looking at my bum!"

#### Advertisement 2

Advertisement 2 (also 30 second duration) is identical to Advertisement 1, save that it refers to a \$100 Savings guarantee available in Melbourne, and NRMA is replaced with RACV.

### THE COMPLAINT

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

*The word 'bum' is offensive and unnecessary.*

*My strong issue is with the last stanza where she clearly says loudly:*

*"Hey you guys. Stop looking up my bum."*

*At a time when we are trying to improve the language used by young impressionable grandchildren that's not acceptable.*

*Those lines are totally superfluous to the ad's message in any case.*

*I find it hard to believe that an Ad Agency would pass this off and that the Company would accept it and that it still remains in broadcasts. Is nobody watching out? What on earth are the standards?*

## **THE ADVERTISER'S RESPONSE**

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

*Coles notes that the complainant objects to the line delivered by Dawn French at the end of each advertisement "Hey you guys. Stop looking up my bum" as unacceptable at a time when we are trying to improve the language used by young impressionable grandchildren.*

*It is worth noting at the outset that the line delivered by Dawn French in both advertisements is actually "hey, you guys stop looking at my bum". We assume the complainant objects to the above line under sections 2.4 and 2.5 of the AANA Advertiser Code of Ethics which deals with treating "sex, sexuality and nudity" with sensitivity, and only using language which is appropriate in the circumstances, and avoiding strong or obscene language.*

*Dawn French is a respected and internationally recognised comedian and comedy writer. She is most famous for her starring role for 13 years in the Vicar of Dibley in which she plays an unconventional and irreverent vicar with a flair for tossing out potshots and double-entendres. Unsurprisingly the tone of the advertisement in question is light hearted humour, and the interaction in the park between Dawn French and others in the advertisement is delivered in a fun and jovial manner.*

*The line "hey, you guys stop looking at my bum" is delivered by Dawn French in jest as she scoots by two male joggers in a mini cartoon-like car, in circumstances where both joggers are facing the opposite direction and most likely would not even have seen her if she hadn't spoken, and in any event where only Dawn French's upper torso and head is visible to the joggers. We reject that the content of this interchange could be classified as dealing with sex or sexuality. but even in the event it was we do not believe it treats sexuality insensitively.*

*We do not agree that the use of "bum" could reasonably be considered inappropriate language. The word "bum" is now frequently used throughout Australia, and is unlikely to be considered as either strong or offensive language. Phrases such as "bums on seats" or "pain in the bum" are also commonplace. The content of the advertisements is a car insurance offer for people over the age of 30 and clearly is not targeted at children. Coles is satisfied that the advertisements in question do not breach the AANA Advertiser Code of Ethics, and I trust that the information set out above addresses any concerns the Advertising Standards Bureau may have in relation to this complaint. Please note that the materials provided as attachments are subject to ownership restrictions and therefore should not be distributed or used other than by the ASB to consider this complaint.*

## **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 features the word ‘bum’ which is offensive.

The Board viewed the advertisements 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that the word ‘bum’ is not of itself a word which would be considered strong or obscene. The Board considered that most members of the community would not consider the word ‘bum’ to be offensive and in the Board’s view it is not a word which would be considered inappropriate in the context of the advertisement. The Board considered that the word ‘bum’ is not strong, obscene or inappropriate.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that Dawn says the phrase “stop looking at my bum!” to two male joggers. The Board noted that whilst some members of the community may consider this statement to be inappropriate, in the Board’s view most members of the community would consider that the use of Dawn French saying this phrase to two young men who are clearly not looking at her bum re-enforces the humorous tone which is in keeping with the type of comedy character Dawn French has portrayed in the Vicar of Dibley.

The Board noted that the men in the advertisement are not looking at Dawn’s bum and considered that the statement “stop looking at my bum” is very mild. The Board noted that the advertisement had been rated ‘G’ by CAD and considered that it does treat sex, sexuality and nudity with sensitivity to the relevant audience which would include children.

On this basis the Board determined that the advertisement did depict sexuality with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

