



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0303-20
2. Advertiser :	Alice Mechanical Solutions
3. Product :	Automotive
4. Type of Advertisement/Media :	Radio
5. Date of Determination	7-Oct-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the script:

Man: (Frustrated – overlapping car sound effects) Ohhh! that's just (beeping) perfect!
Now what the f(beeping) am I gonna f(beeping) do?

Woman: Err.. Simple solution? Alice Mechanical Solutions, 59 Elder Street. They service and repair all cars, trailers and trucks. They stock brakes and batteries. Plus, they supply and install DB Euphoria sound systems and can sort you out with supply and installation of GPS.

Man 2: When it's a mechanical problem, see Alice Mechanical Solutions – the name says it all. Find them on Facebook or head into shed 13/59 Elder Street

THE COMPLAINT

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

My three year old picked that he was saying naughty words. The add plays all the time and is very obvious at swearing. It's on in the mornings when taking kids to school and evening when picking them up.



THE ADVERTISER'S RESPONSE

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

Please find attached a copy of our script and our ad. Our advertising agency is Alice Springs Commercial Broadcasters. The radio station that plays our ad is SUN 969. They also created our ad, our ad is funny and everyone we know loves our ad we believe as the words are clearly beeped out we see there is no harm in it. The person who has made this complaint has a personal vendetta out on my boss. If you have any more questions please dont hesitate to call.

THE DETERMINATION

The Ad Standards Community Panel ("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 features swearing that is poorly beeped out and is played at a time when children can hear the advertisement.

The Panel reviewed 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 it had previously considered a radio ad for Total Tools for a similar issue, in which:

"The Board noted...it is not clear what word the beep is replacing and considered that there are a number of words which could be used. The Board acknowledged that the use of beeping sounds over an audio is a common broadcasting protocol used to ensure any inappropriate language is inaudible, even though it may be implied and considered that in this instance it is not clear that whether the word being replaced would be inappropriate or not.

"The Board noted that the overall tone of the advertisement is designed to appeal to the target audience of male tool buying consumers and considered that the content of the advertisement is not inappropriate in this context, especially as the beeped out word is not audible. The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code."



The Panel considered whether the beeping is sufficient to make it hard for a listener to discern the suggested word.

The Panel considered in the current advertisement that while the beep sound effect does fully conceal the offensive language in the first instance, it does not fully conceal the word in the second and third uses and that most members of the community would be able to clearly make out that the phrase “now what the fuck am I supposed to fucken do?” is used in the advertisement.

The Panel considered that the words beeped over were not used in a light-hearted manner, rather they were used in an aggressive and frustrated manner and in a manner that is inappropriate for a radio advertisement promoting auto parts.

The Panel noted that it has consistently determined that the word ‘fuck’ is considered to be a strong and obscene term and is not appropriate in advertising that is likely to be heard by a broad audience which would include children (0513/16, 0360/16 and 0034/17). The Panel also noted its community standards research (https://adstandards.com.au/sites/default/files/2017_community_perceptions_web.pdf) which supported the Panel’s view that, particularly in public areas and areas where children can see or hear the material, the community view is that this term still amounts to strong or obscene language.

The Panel considered that the beeping effect was insufficient to hide the strong language being used in the advertisement, and that the repetition of the strong language, and the aggressive manner in which it is used was not appropriate.

The Panel considered the audience of the advertisement. The Panel noted that this advertisement was played on a radio station which would have a broad listening audience including children.

The Panel considered that the language was not appropriate for the relevant broad audience. The Panel determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Panel upheld the complaint.

THE ADVERTISER’S RESPONSE TO DETERMINATION

The ad has now been modified and the original is off the air.