



Case Report

1	Case Number	0311/15
2	Advertiser	Mongrel Boots
3	Product	Clothing
4	Type of Advertisement / media	Radio
5	Date of Determination	12/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

There are two versions of this 30 second radio advertisement for Mongrel Boots. Each version features a male tradie complaining that he is being kicked off the site because his boots don't meet OH&S standards, and his colleague advising him to buy Mongrel Boots as they do meet the required standard. The word 'friggin' is used repeatedly.

THE COMPLAINT

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

The word Friggen was said very clearly approx. five times in the ad which lasted approx. 20-30 seconds. I do not believe this word is acceptable language at any time in public or in media. This word is commonly used to replace another F word, and neither are acceptable in any form, at any time.

THE ADVERTISER'S RESPONSE

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

We refer to your letter and we respond on behalf of Victor Footwear Pty Ltd regarding a complaint made under Section 2 of the AANA Advertiser Code of Ethics received by the Advertising Standards Bureau.

Please find below our response to your request for further information about the advertisement.

1. Description

We confirm that an advertisement was broadcast on Mix 94.5 FM promoting the goods of Victor Footwear Pty Ltd.

The Advertisement referred to in the complaint was thirty seconds in duration and contains a combination of dialogue and sound effects. The tone of the dialogue is both Advertisements is light-hearted and informal.

The primary aim of the advertisement is to increase trade by making potential customers aware of the goods offered by Victor Footwear Pty Ltd and depicts two tradespeople working and chatting on a building site. They are using informal language in their discussion about OH&S laws and the requirement for safety boots.

The language is used in context and is unlikely to offend consumers of the product, which are predominately blue collar workers.

2. Code of Ethics

We have examined the provisions of the AANA Code of Ethics, and in particular Section 2 Consumer Complaints (the "Codes").

We submit that the Advertisement is not in breach of Section 2.1 of the Code. The Advertisement does not discriminate or seek to discriminate or vilify any person or sections of the community based on their race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Section 2.2 of the Code states that the Advertisement must not appeal in a manner which is "exploitative and degrading of any individual or group of people". Again, the Advertisement is in no way exploitative or degrades any individual or group of people.

Similarly we submit that Section 2.3 of the Code also does not apply as the Advertisement does not present or portray violence.

We have also reviewed Sections 2.4 and 2.6 of the Codes which refer to sex and health and safety respectively, and submit that these provisions do not apply to this Advertisement.

3. Section 2.5 of the Code

You have requested that we examine whether we have used language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) and whether we have avoided strong or obscene language.

When determining our relevant audience, we confirm that Mix 94.5 FM content does not cater for or target younger listeners but is in fact marketed to listeners aged 24-54 years.

We submit that the language used in the Advertisement is mild and would not be considered by the relevant audience to be strong or obscene.

We respectfully submit that the Advertisement is highly likely to be non-controversial to the audience and contend that this is in no way an infringement of the Codes and should in no way be reflected as such in the determination of the Board.

We do not consider that this complaint falls within the remit of the AANA Code of Advertising and Marketing Communications to Children, or the AANA Food and Beverages Marketing Communications Code, and we confirm that there has been no agency or media buyer involvement in this matter.

We look forward to the Board's determination in this matter.

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 repeated use of the word, "friggin" which is unacceptable for a radio advertisement.

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

The Board then 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 this radio advertisement has two versions. The Board noted the advertisements are for a brand of steel capped work boots called "Mongrel Boots." The Board noted the theme of both advertisements are the same and features a tradesman speaking to a supervisor or workmate about not being able to work on site because of exposed capping in his boots. The tradesman uses the term "friggin mongrel" on more than one occasion.

The Board noted that the brand name 'Mongrel Boots' was not a matter for the Board to consider, only the content of the advertisement itself was a matter within the Board's remit. The Board noted it had previously considered a complaint about an advertisement for Fox Sports using the word "friggin" (0094/11). In that case the Board considered that "the word 'friggin' was a generally accepted term in the community and although offensive to some people is not, in the Board's view, strong or obscene language."

In this particular case, the Board noted that the term 'friggin mongrel' is used to describe a person of authority who won't allow the tradesman onsite. The Board considered that the use of the term in this way is intended to be offensive but in the context of the frustration the

tradesman is feeling, the expression is more an indicator of annoyance rather than an aggressive attack toward another person.

The Board noted that the man also uses the term to describe the amount of steel cap showing through his boots “you can see a friggin millimetre of the steel cap through my boots.” The Board noted that the context of use of the word in this instance is again to express frustration and annoyance with not being able to work.

Although used toward someone else, the man using the language is shown to be in the wrong and that the safety requirements justify the behaviour of the Boss.

The Board considered that most members of the community would understand the term ‘friggin’ to be a more acceptable replacement for stronger words and that the term has become more generally accepted in the Australian vocabulary.

The Board noted that the term may still be considered offensive by some but consistent with the case above, considered that the term is not strong or obscene and is appropriate in the circumstances of a worksite and advertisement for a trade related work item.

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.