



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0354/18
2	Advertiser	Stan
3	Product	Media
4	Type of Advertisement / media	Radio
5	Date of Determination	22/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement is a promotion for the program "Who is America". The advertisement features the phrase "dick pic" and two instances of a word being beeped over.

THE COMPLAINT

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

This advertising was blatantly distasteful and said the word "dick pics" in it. 8:30am in the morning while kids are being dropped off at school no less. Why are children subjected to these rude words and expected not to repeat them. How is this advertisement allowed? There are more examples of radio ads beeping out swearing during their advertisements during peak periods which should be all looked at. Cluey kids can easily work out what was being beeped out.



THE ADVERTISER'S RESPONSE

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

COMPLAINT REFERENCE NUMBER: 0354/18

ADVERTISER: STAN ENTERTAINMENT PTY LTD (ABN 94 168 856 924) (STAN)

We refer to your letter dated 2 August 2018 regarding the abovementioned complaint ("Complaint") in respect of one of Stan's radio advertisements ("Advertisement").

Facts relating to the Advertisement

The Advertisement ran for approximately 30 seconds on 24 July 2018 at 8.30am on the Nova radio station.

The Advertisement featured audio excerpts from the program Who is America.

The Advertisement is designed to inform viewers of, and to showcase, the program Who is America.

A copy of the relevant script is attached at Annexure 1.

AANA Advertiser Code of Ethics (Code)

We have reviewed the relevant sections of the Code and also the information and guidance provided on adstandards.com.au in relation to responding to complaints.

In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics ("Code"), and is in step with Prevailing Community Standards.

We address each element of section 2 of the Code below:

Discrimination or vilification (s2.1)

The Advertisement does not portray people 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.

Discrimination and vilification were not issues raised in the Complaint.

Sexual appeal (s2.2)

The Advertisement does not employ sexual appeal: (a) where images of minors or people who appear to be minors are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.

Exploitative and degrading use of sexual appeal was not an issue raised in the Complaint.



Violence (s2.3)

The Advertisement does not present or portray violence in a manner which is not justifiable in the context of the programs and service advertised.

Violence was not an issue raised in the Complaint.

Sex, sexuality and nudity (s2.4)

The Advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

Sex, sexuality and nudity were not issues raised in the Complaint.

Obscene language (s2.5)

We note the complainant's concern with inclusion of the following in the Advertisement:

two bleeped out, but implied uses of the word "fucking"; and

a play-on-words reference to "Dick pic" (which in the specific context referred to a picture of Dick Cheney).

While the above may be suggestive of obscene language to some people, there is no actual use of obscene language in the Advertisement.

Nevertheless, in response to the Complaint we removed the reference to "Dick pic". A copy of the revised Advertisement is available via the email accompanying this document.

The two inferred uses of the word "fucking" constitute a light-hearted and particularly accurate reflection of the tone, themes and characters of the program being promoted. Both uses of the word were bleeped out entirely, with no part of the bleeped out words being audible. Further, the usage was not overly repetitive, was not directed towards children and was not presented in an aggressive context.

Based on the foregoing and taking into account the AANA Code of Ethics – Practice Note, we are strongly of the view that the Advertisement's inclusion of two brief, "bleeped out" swear words is appropriate in the context of the program being advertised, is consistent with prevailing community standards and appropriate for the likely audience and the medium.

Accordingly, we recommend the complaint be dismissed consistently with cases such as The Victory Hotel (case reference number 0396/15), Airtrain Brisbane (case reference 0324/16), Copperpot Dips (case reference number 38/08), Gourmet Garden (case reference number 415/08) and National Foods (case reference number 499/09).



Health and Safety (s2.6)

The Advertisement does not contain any material which is contrary to Prevailing Community Standards on health and safety (including as detailed in AANA Code of Ethics Practice Note), nor does the Advertisement depict any dangerous behaviour which is likely to be imitated by children.

Health and safety issues were not raised in the Complaint.

Stan comments in relation to the Complaint

For the reasons set out above, we strongly believe the Advertisement complies in all relevant respects with the Code.

Further, the Advertisement placement was reviewed and approved by Nova to ensure the Advertisement was sensitive to the likely audience.

Please let us know if you require any further information.

THE DETERMINATION

The Ad Standards Community Panel (the 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 uses the phrase "dick pics" and instances of swearing being beeped out.

The Panel viewed 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 that the radio advertisement is a promotion for the program "Who is America?" and featured the phrase "dick pic" and two instances of a word being beeped out.

The Panel noted the complainant's concern that the language was inappropriate for an audience which would include children.

The Panel noted that this radio advertisement aired on Triple M radio and noted that the audience for this station is older, however considered that the audience may include children.



The Panel first considered the use of the phrase “dick pic”. The Panel noted the advertiser’s response that the phrase was in reference to a picture of United States politician Dick Cheney. The Panel considered that Dick Cheney’s name is spoken in the advertisement before the phrase “dick pic” is used, and considered that although some members of the community may find the phrase obscene, there is a clear reference to a person known as Dick, and the phrase is a double entendre so the impact is less suggestive.

The Panel then considered the instances of words beeped out in the advertisement. The Panel noted the complainant’s concern that children can determine what words are being beeped out.

The Panel noted that the beeping out in the advertisement is significant with no part of the word audible, and that there is therefore no clear indication as to what words are being beeped out and whether they are obscene.

The Panel noted that most adults would assume that the beeped out word is a swear word and most likely the ‘f’ word but considered that in the context of an adult voiceover promoting a MA15+ program, in the Panel’s view the suggestion of the ‘f’ word is not inappropriate. The Panel noted that the beeped out word is not being directed at a person and considered that overall the advertisement does not use language which is strong, obscene or inappropriate in the circumstances.

Finding that the advertisement did not use strong or obscene language and that the language was not inappropriate, the Panel 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 Panel dismissed the complaint.

