



Case Report

1	Case Number	0364/10
2	Advertiser	crimsafe
3	Product	House goods/services
4	Type of Advertisement / media	Radio
5	Date of Determination	25/08/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

Kimmy's dad talks about the numerous break-ins reported in the 'local rag': "...these buggers have been busy alright."

He then gives a message to potential thieves that they needn't try burgling him because he is protected with Crimsafe.

A male voice over then says: "Be sure. Be safe. Crimsafe.com.au."

THE COMPLAINT

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

The advertisement uses the expression "buggers" which is defined as follows a term originally used to describe either anal intercourse by a man with a man or woman

[1] or sexual intercourse by either a man or a woman with an animal.

*[2] I am sure alternative language such as F**kers would not be permitted in a free-to-air ad which is played at a time of day when parents are transporting children to school.*

THE ADVERTISER'S RESPONSE

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

The relevant complaint alleges that the Advertisement makes use of offensive language, which if true would potentially be in breach of Section 2.5 of the Advertiser Code of Ethics (Code). This section provides as follows:

“Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The complainant suggests that the use of the word “bugger” in the Advertisement carries some form of sexual connotation. This interpretation seeks to import an antiquated definition of the term, which we believe is no longer in common use and is in fact unknown by the majority of the general public in 2010.

We submit that the word “bugger” has now become part of colloquial vernacular in Australia and New Zealand and, in the context used in the Advertisement, is an acceptable and inoffensive synonym for the term “mongrels”.

The use of the term “bugger” in the Advertisement was intended to denigrate the types of people who commit crimes against property. We also submit that it is acceptable in Australian society to denigrate this class of person in this manner.

We therefore ask you to conclude that the use of the term “bugger” in the Advertisement is:

- consistent with accepted colloquial usage in Australia;*
- is not inappropriate or obscene;*
- is not so offensive as to be unacceptable by community standards; and*
- as such, is not in breach of section 2.5 of the Code.*

We note further relevant facts for your consideration below in support of the above.

Crimsafe’s reputation

Crimsafe has been trading in the business of licensing the right to manufacture and install patented and registered design protected stainless steel security screen products since 1996. In that time Crimsafe has established a considerable reputation in the Australian marketplace as a company that provides the highest standard of home security products.

Crimsafe has also established a high standing in the Australian community through its active support of community / charitable organisations such as Cancer Kids, PCYC and Lions Club as well as being a major sponsor of Crime Stoppers Queensland. Crimsafe have also received support for their initiatives in the security industry from Queensland Police commissioner Bob Atkinson and have addressed a committee of the 30 most senior police groups in the state.

Crimsafe’s reputation and standing in the community is such that they would never run an advertisement which suggests or explicitly uses offensive language as expressed in the complainant’s letter.

Previous ASB determinations

We have reviewed a large number of ASB determinations which contain analogous uses of the word “bugger”. Each of the following ASB determinations resulted in complaints of the kind received against Crimsafe as being dismissed by the ASB:

- 131/99 and 333/01 – each part of the famous Toyota “bugger” campaign (the term “bugger” is used as a synonym for “damn it”);*
- 305/04 – Bonds underwear campaign featuring Sarah O’Hare (the term “bugger” is used as a synonym for “damn it”);*
- 220/07 – Srixon golf ball advertisement featuring Robert Allenby (the term “bugger” is used as a synonym for “blighter” or “mongrel”);*
- 494/06 – VB campaign featuring David Boon (the term “bugger off” is used as a synonym for “go away”)*

In each of the above, the ASB has determined that:

- *the term “bugger” is an example of a term which was used innocuously and widely in the Australian community; and*
- *as such the use of this term in manner of the above advertisements would not offend prevailing community views and did not breach the Code on that ground.*

We submit that the ASB should in turn dismiss the present complaint on the same grounds as it did in the above determinations.

New criteria

We also note in a recent article published in the Sydney Morning Herald on 10 June 2010, journalist Julian Lee has interviewed Fiona Jolly, the CEO of the ASB, about the recent large number of trivial complaints received by the ASB. In the article the journalist states as follows:

“Next month five new criteria will be introduced, including a clause that allows colloquial words such as bloody or bugger to be used in ads as long as it is not in an aggressive manner.”

The article does not make it clear what these criteria will become a part of, however it seems clear that the use of “bugger” in the Advertisement would fit within the new criteria.

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 about the use of the expression “buggers”.

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

The Board considered whether the advertisement was in breach of section 2.5 of the Code which 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 the original meaning of the word “bugger”, and then considered the advertiser’s response that in this instance the word was being used in the modern sense and was part of Australian colloquial vernacular. The Board considered that the word “bugger” used to describe thieves in the advertisement was used in a context which most members of the community would accept as appropriate, and that its use in modern Australian language was no longer tied with its origins, and that most members of the community would consider that the language 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.

