



Case Report

1	Case Number	0369/15
2	Advertiser	Redwave Media
3	Product	Entertainment
4	Type of Advertisement / media	Radio
5	Date of Determination	23/09/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a "Station Promotional" spot for a fundraising drive not. It involves nominating someone who has done something that annoyed you and we would arrange for a small sealed bag of camel manure (which is sold commercially) to be delivered to the person with the money raised going to charity.

THE COMPLAINT

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

I find this add offensive.

I believe it promotes intolerance and condones vindictiveness. The use of the word "shit" several times during the radio add is crass, offensive and completely unnecessary.

I have no problem whatsoever with the idea of selling camel droppings to raise money for a local charity.

THE ADVERTISER'S RESPONSE

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

1) *The original version of the promotional spot did contain the word “shit” in it. This was changed to “bleep” out part of the word four days into the campaign. Both versions of the spots were always scheduled outside of local school drop off and pick up times (7.30 -9.00am & 2.30 – 4.00pm). The promotional spots have now concluded.*

In the context of section 2 of the Code of Ethics –

2.1 – There has been no discrimination as a result of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 – The promotion did not employ sexual appeal.

2.3 – The promotion has not portrayed violence.

2.4 – no mention of sex or sexuality.

2.5 – The word used was language that is aimed at an adult audience which the station attracts and we considered the word was appropriate for the situations being depicted.

2.6 – The promotion did not affect health and safety standards.

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 includes language that is inappropriate and offensive and the nature of the promotion condones vindictiveness.

The Board listened to the advertisement 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 there are two different versions of the radio advertisement, however they both feature similar themes referring to or representing annoying and frustrating situations in the workplace. The voiceover then describes how you can put these frustrating people on your “shit list.” The promotion then explains how to order a bag of excrement (small or large) to be delivered to the annoying person with proceeds going to a local charity.

The Board noted that the campaign was a fundraiser for a local charity and was intended to be light-hearted. The Board noted that the concept of sending a nominated person a bag of excrement anonymously could be an issue of harassment and raises concerns about the legality of this type of behaviour. The Board noted however, that the issue of legality is not within the scope of what they can consider and that the review of this advertisement was limited to the content of the advertisement and not the concept of the advertisement.

The Board noted the complainant's concern that the use of the word "shit" is crass and offensive.

The Board noted the practice note to this section of the Code states that:

Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are "bugger", "shit", "pissed-off", "crap" etc.

The Board noted that the practice note above is intended to guide the Board on issues within the Code and that the use of the word "shit" can sometimes be considered acceptable in certain situations. The Board considered in the current advertisement however that the word "shit" is used repeatedly and in conjunction with the actual inclusion of references to camel excrement, in the literal sense. In the context of this advertisement it is used to describe a parcel of excrement that can be ordered and delivered and although the word itself may not be obscene, the repeated use increases the overall effect.

The Board noted that the idea of raising money for a worthy cause is commendable but considered that there are numerous other ways that this message could be conveyed. The Board noted that the intended audience for this type of promotion would be adults but that the medium of radio means that the advertisement could likely be heard by children.

The Board noted the advertiser's response that the advertisement had been modified for broadcast however, the Board considered that in the original version and in the context of a radio advertisement that could be heard by children, the repeated use of the word "shit" is not appropriate in the circumstances (including for the relevant audience and medium) and did breach section 2.5 of the Code.

Finding that the advertisement did breach section 2.5 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The promotional spot in question had already been modified to omit the offending word between the time the complaint was lodged with the Advertising Standards Bureau and the case being heard by the Board. The offending word had already been "bleeped" out of the promotional spot.

I can also confirm that the campaign has been discontinued.