



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0372/18
2	Advertiser	Ubank
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	22/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a little girl playing with a doll on the floor as her parents eat dinner with friends. The girl is pretending she is on the phone to the bank about her home loan application, and says the words "You're the fifth *beep* person I've spoken to this week".

THE COMPLAINT

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

My objection to this ad was in relation to a young child being seen using profanity . I don't see any need for a child or any person in that fact to be using any sort of profanity to advertise a product , although it was 'bleeped' out It is still very recognisable as to which word is being said . I would like to think that no advertisements would need to use profanity to sell a product or service but if they did it would be better suited to a time slot where younger children would not be able to watch , not at 6pm when all the family are sitting down



to watch tv

Thank you

*In the add, the little girl was playing with her doll and she said 'this is the fifth ****ing customer I have spoken to' she was pretending her doll was the costumer.*

The child swears in the ad and this is not appropriate

THE ADVERTISER'S RESPONSE

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

This letter is in response to complaint 0372/18, which we received on 14th August, 2018. We worked with the creative agency and media agency to bring this campaign to air. The advertisement is titled 'Dollhouse' and shows a family-friendly dinner going off course when one couple's daughter re-enacts the inconvenient truth and emotional discomfort many people experience when trying to track the progress of their home loan application. We understand two people have lodged a complaint and we feel confident we've followed all related guidelines. We offer the following in response to the complaints raised:

- Our CAD clearance number is rated PG. This was acquired prior to our launch date.*
- Kids are mimics and can be great mirrors for their parents' behaviour, so we used this dynamic in a humorous way to expose the frustrations many Australians have with getting a home loan or refinancing. The beep in the ad suggests frustration rather than actual swearing taking place.*
- While filming the ad, the young actress never swore. She said the word "beep".*

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 complainants' concerns that the advertisement features a child swearing.

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 television advertisement features a little girl playing with a doll on the floor and saying the words "You're the fifth *beep* person I've spoken to this week".

The Panel noted the complainants’ concerns that advertisement uses the word ‘fuck’, and although it was beeped over it was still clear what the word was and this language was inappropriate for a child to use.

The Panel noted it had previously upheld an advertisement that featured a child swearing in case 0466/17 in which:

“The Board noted that whilst most members of the community would not expect a child to actually say the word “fucking” in a television advertisement, in the Board’s view the way the beep is used has the effect of accentuating the word and makes it appear that the child is using a strong swear word... The Board noted that the depiction of the boy and the manner in which he speaks is playing on the well-known behaviour of celebrity chef Gordon Ramsey. The Board reiterated that advertisers should take care when using children in advertisements to mimic the behaviour of adults and that this includes using language that may sometimes be considered acceptable for an adult but not children...”

However, the Panel noted it had previously dismissed an advertisement that featured a child swearing in case 0109/15 in which:

“The Board noted the complainants concerns in particular that the young boy copies his father and uses the word ‘bloody’ himself. The Board agreed that the overall tone of the advertisement was highlighting a camping trip and time spent with a father and son and that the son copying his father in this instance was not abusive or angry and that the father is not condoning or encouraging the child to swear or to use inappropriate language toward other drivers.”

The Panel considered that the beeping out in the current 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 meant to suggest a swear word and most likely the ‘f’ word but considered that this is not likely to be understood by children. The Panel also noted that the duration of the beep is quite short, and considered that it was possible the beeped word was ‘damn’ rather



than 'fucking'.

The Panel considered that reaction of the parents and their guests demonstrates that the child's language was embarrassing and inappropriate, and therefore does not appear to encourage or condone swearing by children.

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.

