



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0390/13
2	Advertiser	CardioTech
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV
5	Date of Determination	27/11/2013
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Sophie Monk is dressed as a bride, running on a treadmill. She is called to (supposedly) get to the altar, but she declines as she is in her "fat burning zone". Towards the end of the ad, she says, "Burn, you little bastards"

### THE COMPLAINT

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

*She says "burn you bastards" at the end of the commercial. The Toyota "bugger" ad was banned yet this commercial is allowed to air!*

*I object to the expletive used and find it offensive.*

*The celebrity, in this case Sophie Monk, should be aware that especially when one is in the public eye, she should be a positive role model. Her use of bad language in this instance will encourage impressionable youth to repeat the phrase.*

### THE ADVERTISER'S RESPONSE

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

*Whilst we acknowledge that there is an 'expletive,' the word bastards used at the end of the commercial, this formulated apart of our strategy. The inclusion of this phrase was meant to be comical and express Sophie's frustration and determination to burn calories and body fat in order to fit into her wedding dress.*

*We would like to stress that this ad has received a PG classification from CAD and our placement on all 3 commercial networks has fallen within the appropriate PG class time parameters.*

*We have also produced a W classified version of this TVC, which is running at all other times. It was never our intent to offend any viewers, however we believe that this TVC best relays our intended message and we also believe that 99% of our demographic will respond positively to our TVC.*

*In the wonderful world of television, it is very hard to please everyone, as it is very difficult to produce a commercial that differentiates you from your competitors and cut's through.*

*We would also like to acknowledge and agree that the fact that this ad aired over the bush fire period was extremely unfortunate and can see how it may have reflected negatively at this point in time. Moving forward however, we see no reasonable doubt as to why our PG classified commercial cannot continue to run in the appropriate legal time parameters.*

## **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 complainants' concerns that the advertisement features a celebrity using bad language which is not appropriate.

The Board viewed the advertisements 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 and strong or obscene language shall be avoided".

The Board noted the advertisement features Sophie Monk running on a treadmill and saying, "burn, you little bastards".

The Board noted the complainant's concerns that the word, "bastards" is not appropriate and

its use by a celebrity is likely to encourage children to repeat the word.

The Board noted that the advertisement had been rated “PG” by CAD which means it would likely be seen by children.

The Board noted that it had previously dismissed the use of the word, “bastard” in case reference 0033/12 where it found that “as the advertisement is rated PG any children viewing the advertisement should be accompanied by adults who could explain that the word “bastard” is not appropriate for use by children. The Board noted that the word “bastard” is used affectionately in the advertisement and considered that it is a word commonly used within the Australian vernacular. The Board considered that most members of the community would consider the word “bastard” to be inoffensive when used in the context of this advertisement.”

The Board noted that in this instance the phrase, “little bastards” is used by Sophie Monk in a humorous manner and that is not directed at any person but her own thighs.

The Board considered that consistent with its previous determination against case 0033/12 the word “bastard” is part of the common Australian vernacular and adults can explain to children that it is not appropriate for them to repeat it.

The Board considered that the advertisement did not feature any language which would be considered inappropriate, 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 complaints.