



Case Report

1	Case Number	0393/11
2	Advertiser	All Properties Group (Daniel Mendes)
3	Product	Real Estate
4	Type of Advertisement / media	Mail
5	Date of Determination	26/10/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

Image of a cartoon bull defecating drawn within a red circle and with a red line through the middle as if to cross it out. The text 'real estate without the bullshit' is included.

THE COMPLAINT

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

My son (7 years old, Year 2) collects the mail in the afternoon and reads the ads that are in the mail box. He is learning to read through school and knows BULLSHIT is not acceptable. He reads it out and then realises it is a naughty word and apologises profusely in tears and we comfort him. Our 3 year old son copies like a parrot words that are spoken. Now I have to deal with my 3 year old using this type of language because of irresponsible advertisements. My children should not be exposed to this type of crude advertising. I feel this is completely unacceptable and this company needs to be advised of this. My 7 year old son was extremely distraught and this did not need to occur. I am extremely angry and disappointed with All Properties Group for this.

THE ADVERTISER'S RESPONSE

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

In relation to the above mentioned reference number please find below the required information for the advertising bureau:

The advertisement was for a limited distribution;

The advertising was not directed to children or children advertisement;

The target market for the advertisement was property owners in Forest Lake.

The complaint primarily addresses the word "Bullshit" which in the advertisement was intended to be used as an interjection, which protests the use of misleading, disingenuous, or false language. While the word is generally used in a deprecating sense, it may imply a measure of respect for language skills, or frivolity, among various other benign usages. In philosophy, Harry Frankfurt, among others, analysed the concept of bullshit as related to but distinct from lying.

The inclusions of testimonials on the rear of the advertisement were placed to support that fact and portrait that one can be trusted as a real estate agent by having an honest and open business approach with all clients.

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 uses unacceptable language.

The Board reviewed 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 and strong or obscene language shall be avoided."

The Board noted that the advertisement includes a cartoon image of a bull defecating with a red circle around him and a red line through the middle.

The Board noted that it has previously considered advertisements which have used mild coarse language to appeal to a modern market. The Board noted that the use of this style of language, in a context that is not aggressive, threatening or demeaning, is not language that is strong or obscene. The Board considered that the use of the term 'bullshit' was not of itself strong or obscene language and although used in direct mail and potentially available to a broad audience the Board considered it was not inappropriate in a real estate context.

The Board determined that the advertisement did not use language considered strong or obscene and 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.