



**ADVERTISING  
STANDARDS  
BOARD**

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# Case Report

<b>1</b>	<b>Case Number</b>	<b>0405/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Navman Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Information Technolo</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/09/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement promoting Navman features a female criticising the driving of her partner and calling them an idiot before a female voiceover says to buy the product for a Father's Day gift.

## THE COMPLAINT

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

*The way she speaks to him is most offensive and abusive. Domestic violence is not only physical but also verbal and mental.*

## THE ADVERTISER'S RESPONSE

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

*We are very sorry to hear we have offended the public with our radio advert; the aim was to actually make drivers maybe have a little giggle at the satirical representation of a typical scene between many couples when driving together.*

*The advert in question was one part of a 3 part advertising campaign which was aired solely through the ARN radio network. The advert in question represented 28% of the campaign which was a total of 201 times aired.*

*This advert was a satirical exaggeration to try and represent a typical scene in the car between a male and female partner who may argue about driving styles, we internally refer to these in car arguments as CARGUMENTS. It was aimed at suggesting potential customers to buying a Navman GPS as a gift for dad for Father's Day to solve their arguments. The aim of this advert was to portray an "argument" that may occur in many cars when partners are driving somewhere. To portray this scene there was a deliberate urgency and frustrated, loud tone in the female voice. So the punch line could be... Buy dad something he really wants, No not a marriage counsellor...a Navman GPS.*

*We were deliberate to only hear the female's voice so as it hinted at an argument or nagging rather than playing a two sided argument which we thought unnecessary.*

*The campaign ran leading up to Father's Day 3rd of September. By the time we received the complaint we were off the air. Abuse be it verbal or physical is a very serious matter in our society and we by no means meant to portray this as an acceptable form of behaviour.*

## **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 concerns that the advertisement features a woman speaking to her husband in an offensive and abusive manner which amounts to domestic violence and is not appropriate.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this radio advertisement features a woman criticising her partner's driving and calling them an idiot.

The Board noted that we do not hear the criticised partner speak in the advertisement but considered that as the advertisement is promoting a Father's Day offer, and mentions marriage counselling, in the Board's view the most likely interpretation is that the unheard partner is male, and most probably the woman's husband.

The Board noted there is currently a high level of community concern around domestic abuse. A minority of the Board considered that a one-off depiction of a woman criticising her partner's driving skills is not sufficient to indicate a pattern of abusive behaviour and considered that her behaviour is nagging but there is nothing to suggest this is how she always behaves or that her partner is concerned by her criticism. The minority of the Board considered that in the context of promoting a satellite navigation device which would mean

no more arguments over directions, the advertisement's use of a nagging wife is not suggestive of domestic abuse and does not amount to a depiction of violence.

Following considerable discussion however, the majority of the Board noted the tone of the woman's voice in the advertisement and considered that her behaviour goes beyond mere nagging to contempt for the person she is criticising. The Board noted the woman refers to her partner as an idiot and considered that the tone of her voice is aggressive and in their view the advertisement is suggestive of domestic verbal abuse.

The majority of the Board considered that the advertisement did present or portray violence in a manner which is not justifiable in the context of the product advertised and determined that the advertisement did breach Section 2.3 of the Code.

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 that the woman in the advertisement calls her partner an idiot.

The Board noted it had previously upheld a complaint about a radio advertisement where a child called a driver a 'loser' and a 'tool' (0270/14) where:

"The Board noted that these terms are not of themselves strong or obscene words but considered that the community takes a different view on language when it is spoken by a child rather than an adult. The Board noted the Community Research undertaken by Colmar Brunton in 2012 which focussed on community perceptions of the Board's decisions and highlighted that the community was more conservative than the Board with regards to the use of strong or inappropriate language in advertising (ASB Community Perceptions 2012, Colmar Brunton Social Research). In this instance the Board noted the aggressive way in which the child is speaking and the abusive delivery of the comments. The majority of the Board considered that the use of the words, "tool" and "loser" in the context of an abusive delivery by a child to another person amounts to language that is inappropriate in the circumstances."

The Board noted in the current advertisement that the word 'idiot' is spoken by an adult woman and a minority of the Board considered that the word 'idiot' is not strong or obscene language and in the context of a woman nagging her partner over his driving skills the language used is not inappropriate in the circumstances.

The majority of the Board however considered that although 'idiot' is not of itself strong or obscene language, the tone of the woman's voice is aggressive and in the Board's view the abusive delivery of the word 'idiot' amounts to language which is not appropriate in the circumstances.

The majority of the Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Sections 2.3 and 2.5 of the Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

We deeply regret airing a radio advert that may have caused anyone concern. Our intention was not to offend or suggest that verbal abuse was an acceptable form of behaviour from anyone. The advert in question has ceased and will not be aired again.