



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0422/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Sportsbet</b>
<b>3</b>	<b>Product</b>	<b>Other</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/10/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.5 - Language      Use appropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A man is seated in stadium watching a sporting event. He gets up from his seat as the male voice over says, "Meet Up \*beep\* Creek" and a text box in the style of a computer log in box appears on screen with the text: "Sportsbet login. Up\_Sh\*t\_Creek".

The voice over continues, saying that the man is off to put on a bet and we see the man trying to find a TAB. He is shown running down a corridor, throwing beer over his head and leaving a trail of hot chips behind him, and then in a lift which opens up on what is made to look like Hell.

The voiceover then says that because it is hard to find a TAB, Up \*beep\* Creek now bets online.

The final screen shot is of the text, "Sportsbet.com.au. For people who like to bet on the net."

### THE COMPLAINT

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

*I object to the advertisement under Section 2 of the AANA Code of Ethics specifically the language used in the large prominent caption. I feel the phrase "Up Shit Creek" is entirely inappropriate for free to air TV in general. The impact of this offensive language is even worse considering it was shown during a broadcast of a live sporting event (Twenty-Twenty cricket) that many young children would be watching.*

*I am offended by the name given to the male in the advertisement. It was crude offensive inappropriate and unnecessary.*

## **THE ADVERTISER'S RESPONSE**

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

*One complaint alleges inappropriate use of language in the opening scene "meet up \*creek", citing a breach in section 2.5 of the advertising code of ethics: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.*

*The second complaint, that the name is offensive citing no breach of the advertising code of ethics.*

*We dispute both complaints. There is no use of strong or obscene language. Any inferred use of language has been censored in accordance with CAD requirements and received classification.*

*To the second we are not in breach of any section of the code of ethics and therefore cannot elaborate on issues other than to be sympathetic that the viewer has taken offence to our advertisement. As much as humour is subjective so to is the variance of morals and beliefs in society. We appreciate that our humour and our ad may not appeal to everyone. Again it has met classification requirements to be on free to air TV and received the appropriate classifications for content used.*

## **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 uses offensive language.

The Board viewed 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 features a man referred to verbally as 'Up \*beep\* Creek', and that this name is shown on screen in the guise of a login box to a computer account as 'Up Sh\*t Creek'.

The Board considered that the term was used in a manner that is consistent with colloquial usage in Australia. The Board noted that the word 'shit' is not actually spoken or spelled out on screen. The Board noted that the advertisement could be seen by children but considered

that, despite being able to be seen by children, most members of the community would consider that the language inferred to in the advertisement was not inappropriate and was not 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 complaint.