



Case Report

1	Case Number	0434/11
2	Advertiser	Melbourne Hyundai Truck Centre
3	Product	Vehicles
4	Type of Advertisement / media	Radio
5	Date of Determination	23/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

A radio advertisement announcing the introduction of Hyundai trucks to the range offered for sale at Melbourne Hyundai Truck Centre and Macquarie Hyundai Trucks. The phrases "truck me!" and "trucking good news" are used.

THE COMPLAINT

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

I find the use of the term "Truck Me" is a distortion of a more vulgar term. This ad has been running for a few weeks and at times when children may be listening. I find it completely inappropriate.

This ad has been aired often. A number of times I have had my kids in the car when out comes TRUCK ME and then MORE TRUCKING DEALS (or words to that effect). The inference is unquestionable and of poor taste.

THE ADVERTISER'S RESPONSE

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

91.5FM – Complaint regarding advertisement for Melbourne Hyundai Truck Centre and Macquarie Hyundai Trucks

The Advertisement is an irreverent tongue in cheek promotion for the Hyundai Dealerships, announcing the introduction of Hyundai trucks into the range available for purchase at the Hyundai Dealerships. It uses the word “truck” as term of exclamation in the following ways; “Truck Me! Guess who now do trucks?” and “Here’s some more truckin good news!”

We note that the complaint received by ASB on 4 October 2011 makes reference to the Advertisement being broadcast “at times when children may be listening” and the complaint received by ASB on 24 October 2011 makes reference to the Advertisement being broadcast when “I have had my kids in the car.

Whilst we can understand and appreciate the complainants’ respective points of view in respect of the Advertisement, 91.5FM does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation.

AANA Advertiser Code of Ethics

The complainants both raised similar concerns regarding the use of the terms “truck” and “truckin” in the Advertisement and believed that the use of the terms was a reference to or distortion of a swear word. Whilst we acknowledge that the reference could be interpreted as a cheeky and irreverent play on words, the Advertisement does not contain any swear words (or any other obscene terms). Further the use of the word “truck” describes the product being advertised, so essential to the advertisement.

At the outset it is important to note that Classic Rock 91.5FM Pty Ltd (trading as 91.5FM) (91.5FM) does not consider itself strictly bound by the Code. Nevertheless, as a matter of corporate policy and broadcasting practice, 91.5FM uses its best endeavours to comply with the Code at all times.

Section 2.5 of the Code provides that:

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

Code 2.5

91.5FM acknowledges that the Advertisement uses terms “truck” and “truckin” that may convey a connotation of a swear word.

However, the language used was not obscene. The words “truck” and “truckin” were used in the Advertisement as terms of exclamation and to provide added emphasis to the fact that trucks were now being offered for sale at the Hyundai Dealerships as a new product line. We can appreciate that altering the first letter of the words “truck” and “truckin” could transform the words from a term of exclamation into a profanity; however this connotation would not be obvious to small children.

The Advertisement being for trucks is clearly aimed at an adult audience who would appreciate the subtleties of the Advertisement. Further 91.5FM’s target and predominant audience is adults aged over the age of 35, as confirmed by regular surveys conducted by AC Nielsen. 91.5FM does not target children, or tailor its programming towards children.

91.5FM respectfully submits that the language used was appropriate for the intended and target audience and does not include anything which is obscene or offensive and does not employ language which would allow a small child to understand the connotation that may be conveyed within the Advertisement.

In light of the context in which the Advertisement was broadcast, 91.5FM believes that the majority of its audience would regard the Advertisement as light-hearted and irreverent.

For these reasons, 91.5FM strongly believes that the Advertisement does not breach clause 2.5 of the Code.

While 91.5FM does not consider that the Advertisement raises issues under section 2 of the Code, 91.5FM does value feedback on the Advertisement and intends to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.

We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.

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 uses inappropriate language unsuitable for children.

The Board viewed the advertisement and noted the advertiser’s response.

The Board then 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 voiceover in the advertisement uses the phrase “truck me” and “truckin good news.”

The Board noted the advertiser’s response that the advertisement was tailored to appeal to the target audience of the radio station 91.5FM which is adults over that age of 35 years and that the advertisement does not target children or direct their programming to children.

The Board accepted that the phrase ‘truck me’ and ‘truckin’ could both convey a connotation of a swear word which could be considered offensive by some members of the community however the Board considered that the phrases are intended to be a lighthearted play on words and intended to draw the attention of the listener to the truck deals now available at the Hyundai outlets mentioned in the advertisement. The Board considered that the context in which the terms are used is not aggressive, threatening or demeaning, and that the language is not strong or obscene.

The Board noted that although the use of these terms may convey a connotation of a profanity it is unlikely that this would be evident to young children. The Board considered that the use of the phrases ‘truck me’ and ‘truckin’ is not inappropriate in this instance.

Based on the above the Board determined that the advertisement used appropriate language and did not use strong and obscene language and that it did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.