



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0436/18</b>
2	<b>Advertiser</b>	<b>Ubank</b>
3	<b>Product</b>	<b>Finance/Investment</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>26/09/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.6 - Health and Safety Bullying (non violent)
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement features adults sitting around a table at a dinner party while a young girl plays on the ground with her doll. The girl pretends to be calling a bank about her home loan, and becomes frustrated at the phone call.

## THE COMPLAINT

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

*The use of a child minor in a role play with a contact centre depicting a simulated argument.*

*I feel this is showing young children it is OK to be verbally abusive. The narrative goes something like "I am phoning regarding my home loan application" "what do you mean, you are the fifth beep person I have spoken to" "alright, I'll hold" "that's it, I am going to U bank". The child ends up shaking the doll she is using for role play.*



## THE ADVERTISER'S RESPONSE

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

*We understand people have lodged a complaint and we feel confident we've followed all related guidelines. We offer the following in response to the complaints raised:*

- *Our CAD clearance number for UBA3175 is P50NLFIA, rated PG. This was acquired prior to our launch date.*
- *Kids are mimics and can be great mirrors for their parents' behaviour, so we used this dynamic in a humorous way to expose the frustrations many Australians have with getting a home loan or refinancing. The beep in the ad suggests frustration rather than actual swearing taking place.*
- *While filming the ad, the young actress never swore. She said the word "beep".*

## THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement features a child swearing and using aggressive language.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted that the television advertisement features a little girl playing with a doll on the floor and saying the words "You're the fifth \*beep\* person I've spoken to this week".

The Panel noted the advertisement had been given a 'P' rating by CAD meaning it 'May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods', and that the relevant audience would therefore be broad and would include children.

The Panel noted the complainants' concerns that advertisement uses offensive



language, and although it was beeped over it was still clear what the word was and this language was inappropriate for a child to use.

The Panel noted it had previously upheld an advertisement that featured a child swearing in case 0466/17 in which:

“The Board noted that whilst most members of the community would not expect a child to actually say the word “fucking” in a television advertisement, in the Board’s view the way the beep is used has the effect of accentuating the word and makes it appear that the child is using a strong swear word... The Board noted that the depiction of the boy and the manner in which he speaks is playing on the well-known behaviour of celebrity chef Gordon Ramsey. The Board reiterated that advertisers should take care when using children in advertisements to mimic the behaviour of adults and that this includes using language that may sometimes be considered acceptable for an adult but not children...”

However, the Panel noted it had previously dismissed an advertisement that featured a child swearing in case 0109/157 in which:

“The Board noted the complainants concerns in particular that the young boy copies his father and uses the word ‘bloody’ himself. The Board agreed that the overall tone of the advertisement was highlighting a camping trip and time spent with a father and son and that the son copying his father in this instance was not abusive or angry and that the father is not condoning or encouraging the child to swear or to use inappropriate language toward other drivers.”

The Panel considered that the beeping out in the current advertisement is significant, with no part of the word audible, and that there is therefore no clear indication as to what words are being beeped out and whether they are obscene.

The Panel noted they had previously dismissed complaints about the Pay TV version of this advertisement in case 0372/18, in which:

“The Panel noted that most adults would assume that the beeped out word is meant to suggest a swear word and most likely the ‘f’ word but considered that this is not likely to be understood by children. The Panel also noted that the duration of the beep is quite short, and considered that it was possible the beeped word was ‘damn’ rather than ‘fucking’.

The Panel considered that reaction of the parents and their guests demonstrates that the child’s language was embarrassing and inappropriate, and therefore does not appear to encourage or condone swearing by children.”

Consistent with the determination on Pay TV, the Panel considered that the



advertisement depicted the adults in the room reacting to the child's language as though it was embarrassing and inappropriate, and considered that it does not appear to encourage or condone swearing by a child.

Finding that the advertisement did not use strong or obscene language and that the language was not inappropriate, the Panel determined that the advertisement did not breach Section 2.5 of the Code.

The Panel then considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainants' concerns that the advertisement features the child speaking in an aggressive and bullying manner, and that this is inappropriate way to speak to people.

The Panel considered that the child is not speaking to a real person; she is acting as though her doll is speaking to a bank on the phone.

The Panel considered that the girl's language is not directed at anyone and that the advertisement does not depict a negative reaction of the imaginary person she is speaking to. The Panel considered the advertisement did not depict bullying.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding bullying. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

