



## Case Report

1	Case Number	0491/17
2	Advertiser	Total Tools
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/11/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows images of the business logo, brands and pictures of staff. The voiceover says "we swear alot at total tools...we swear by our range and we swear by our service." One screen shot shows the words Best \*@#&%\$! price

### THE COMPLAINT

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

*Myself and children are watching and it was also shown during the Bathurst race we were all watching as a family during family TV hours.*

*We've also seen it prior to the weekend and possibly on multiple TV stations.*

*I've uploaded the 15sec version of the ad to my YouTube channel as a private video, the 30sec version contains more swearing here is the link;*

*<https://youtu.be/xxL-hTOx82g>*

### THE ADVERTISER'S RESPONSE

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

*June "Tax Time "campaign Advert*

*This advert also incorporates our price position statement being “Prices We Swear by!” which is the element directly relating to this complaint.*

*The source of the complaint however is in reaction to the words “at Total Tools we don’t just guarantee you’ll get the best price, we &lt;&lt;beep> swear by it”.*

*The rationale behind this messaging is that “We Swear By” our prices.*

*The use of “beeping” is a play on words that tries to reinforce this message amongst of core customer being the tradesperson – who commonly related to this vernacular.*

*The fact that this has been approved for “G” rated programming on TV led to the inference that this would be fine for BMAD radio.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement shows images in conjunction with a voiceover that says “we swear a lot at total tools...we swear by our range and we swear by our service.” One screen shot shows the words Best \*@#&%\$! Price.

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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that there is a genuine level of community concern about strong or inappropriate language (Community Perceptions Research, [https://adstandards.com.au/sites/default/files/community\\_perceptions\\_report\\_2012.pdf](https://adstandards.com.au/sites/default/files/community_perceptions_report_2012.pdf),2012) particularly where children are exposed or included.

The Board accepted that the inference of a word that has been overlaid with symbols could be considered offensive by some members of the community.

The Board considered and that although the simultaneous use of images on screen and the words being “beep out” could be interpreted as an obscene word, an actual obscenity is not used and the term ‘beep’ or an overlay of symbols on a screen in itself is not strong or obscene.

The Board noted that it had previously dismissed complaints about an advertisement where a child says a word that is ‘beeped out’ (0129/12) where:

The Board noted that the advertisement shows various models of Volkswagen cars. In the

final scene a man is shown reversing his car using Volkswagen reversing technology instead of his hands. A young girl and her grandfather are watching from a nearby cafe table and the girl exclaims, "well beep me". The car horn beeps as she says the word "beep".

Consistent with this previous determination, the majority of the Board noted based on the absence of audible, offensive language the wording used in the advertisement is unlikely to be considered strong or obscene by most members of the community.

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