



Case Report

1	Case Number	0496/11
2	Advertiser	Brakemart
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Radio
5	Date of Determination	04/01/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language inappropriate language
- 2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement featuring a man exclaiming as he nearly runs over a dog. The expletives are beeped out and the tagline is that Brakemart is so good "you'll swear by them".

THE COMPLAINT

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

This ad is offensive to me as I can hear the words the bleeps are covering I don't like to hear swearing of any sort. I don't want to hear swearing on radio.

THE ADVERTISER'S RESPONSE

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

The advertisement has been aired on radio for a period of 8 years and has not received any other complaints during this time. It is also aired on one radio station only allowing many

other radio stations in this area for people to listen to if they personally find something not to their liking or taste.

I personally cannot find any problems with this ad and we get many comments from customers about their amusement to the detail and story line of this ad.

I am confident that this advertisement is within the advertising guidelines and the complaint is an isolated case of personal preference. I have heard and seen a lot worse that this on radio and television in advertising and general broadcast.

As to the length of time this advertisement has been on air without any other concerns raised by any individuals, I am sure that we have fallen within all advertising guidelines.

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 concern that the advertisement uses offensive language.

The Board reviewed 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 the ‘F’ word twice and ‘shit’ once and that the words are beeped out.

The Board considered that the beeping used was not as effective as it could have been and that with the first F word it appears that only the vowel ‘u’ has been beeped.

A minority of the Board considered that the tone of the advertisement is aggressive, and that coupled with the standard of beeping, the advertisement is impactful and not appropriate. The majority of the Board however considered that whilst the tone of the advertisement is aggressive this is in keeping with the theme of the advertisement and the “you’ll swear by them” tagline, and that whilst the beeping could have covered more of the words beeped out, overall it is clear that the words are beeped out. The Board also noted the advertiser’s response that this advertisement has been running for eight years and that this is the first complaint submitted to the Board.

The Board noted that the advertisement could be heard by children but considered that, despite being able to be heard by children, most members of the community would consider that the words as beeped out in the advertisement were not inappropriate and were 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.