



## Case Report

1	Case Number	0508/15
2	Advertiser	LY Lawyers
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	20/01/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement advertises the legal services of LY Lawyers with respect to drug offences. It features a male voiceover slowly reading out a list of drugs: "Harry, Ecky, Charlie, Weed, Blow" before going on to say that if you have been caught with these and charged with a drug offence then you should speak to LY Lawyers.

### THE COMPLAINT

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

*This advert glorifies drug use. It encourages people to break the law and use drugs and think they can get away with it. Its also not suitable for breakfast radio when children are listening - does a 5 year old need to know the words eky & blow? This should be pulled from the radio.*

### THE ADVERTISER'S RESPONSE

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

*ARN – Complaint regarding advertisement for LY Lawyers*

*We refer to your letter to Adam Ly, Director of LY Lawyers concerning the investigation by the Advertising Standards Bureau (ASB) in relation to one complaint received relating to the*

*recent advertisement by ARN's client, LY Lawyers (the Advertisement).*

#### *The Advertisement*

*The Advertisement advertises the services of Ly Lawyers, specifically their defence of those people facing drug charges.*

*Whilst we acknowledge this ad contains drug references and may not be to everyone's taste, we do not agree that this glorifies drugs and ARN 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 complainant raised concerns regarding the language used in the advertisement. We note that the Advertisement makes references to colloquial terms used to describe different types of drugs.*

*Sections 2.2, 2.5 and 2.6 of the Code provide that:*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

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

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

#### *Code 2.2*

*ARN's target and predominant audience is adults aged between 18-50, as evidenced by regular Radio Ratings Surveys conducted each year. ARN stations do not target children, or tailor its programming towards children.*

*We do not feel that the Advertisement in any way treated the product or material advertised in a sexual or sexually exploitative way.*

#### *Code 2.5 and Code 2.6*

*ARN acknowledges that the Advertisement promotes legal services targeting people facing drug charges. Whilst this may be considered adult content, the language used was not explicit or obscene. Whilst not to everyone's taste, we do not feel that this language (when heard in the context of the Advertisement) breaches Codes 2.5 or 2.6. We do not feel that using colloquial terms for certain types of drugs glorifies or sensationalises drug use.*

*For these reasons, ARN strongly believes that the Advertisement does not breach clauses 2.5 and 2.6 of the Code.*

*While ARN does not consider that the Advertisement raises issues under section 2 of the Code, ARN 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 concern that the advertisement lists different types of drugs and encourages and glorifies drug use and is not appropriate for radio where children can hear it.

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

The Board 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 Board noted that this radio advertisement depicts a male voiceover listing various drugs before explaining that if you have been caught with any of these then you should speak with LY Lawyers.

The Board noted the complainant’s concerns that the advertisement encourages and glorifies drug use.

The Board noted that different types of drugs are listed but considered that the manner in which their names are spoken is factual and would be unlikely to encourage a listener to try any of them.

The Board noted that the advertiser is a legal firm and considered that it is reasonable for an advertiser to promote their services. The Board noted that the service offered is assistance for anyone caught with the listed drugs and considered that this is not of itself glorifying drug use but rather offering professional services to anyone who is in trouble for drug use.

The Board noted the complainant’s concern that the advertisement is not appropriate for children to hear but considered that the overall tone and content of the advertisement is unlikely to be attractive to children and that even if children were to hear the advertisement its content is factual and does not promote or condone drug use.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board 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 Board dismissed the complaint.