



## Case Report

1	Case Number	0567/17
2	Advertiser	Australian Radio Network
3	Product	House Goods Services
4	Type of Advertisement / media	Radio
5	Date of Determination	19/12/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A radio Advertisement for repair services to evaporative cooling systems.

### THE COMPLAINT

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

*Advertising air conditioning - tag line is we will have you freezing your t\*\*ts off in no time. Even though the word is bleeped out we all know it is meant to mean tits and I find it offensive.*

### THE ADVERTISER'S RESPONSE

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

*The Advertisement is an irreverent, cheeky promotion for Advanced Evaporative Services' air conditioning repair services. The overwhelming majority of the ad is very conventional and simply highlight's the company's services and standards of service.*

*At the very end of the ad, it says '...we'll have you freezing your &\*(^ off in no time''.*

*Whilst we acknowledge this ad is cheeky and irreverent, ARN does not think that the*

*Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation. The language is censored, so as to be funny without alienating any audience.*

*AANA Advertiser Code of Ethics*

*The complainant raised concerns regarding the language used in the advertisement.*

*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*

*96FM's target and predominant audience is adults aged between 35-50, as evidenced by regular Radio Ratings Surveys conducted each year. 96FM does 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*

*The language used was not explicit or obscene. The only word used which could be determined as in any way offensive is the word 'tits' which was censored and in any event, is a cheeky colloquial phrase which, whilst not to everyone's taste, we do not feel (when heard in the context of the Advertisement) breaches Codes 2.5 or 2.6.*

*The phrase 'freeze your tits off' is a slang phrase which is an irreverent way of indicating one is cold. IT appears in the Australian slang dictionary as follows:  
[http://www.slang-dictionary.org/australian-slang/Freeze\\_one%27s\\_tits\\_off](http://www.slang-dictionary.org/australian-slang/Freeze_one%27s_tits_off)*

*In light of the context in which the Advertisement was broadcast, 96FM believes that the majority of its audience would regard the Advertisement as light-hearted, comedic and irreverent.*

*For these reasons, Gold 104.3 strongly believes that the Advertisement does not breach clauses 2.5 and 2.6 of the Code.*

*We note also that this was the only complaint received by 96FM or ARN with respect to this advertisement.*

**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 concerns that the advertisement features language that is offensive and inappropriate.

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

The Board noted that this radio advertisement features a male voice over promoting the companies services of repairing evaporative coolers. The product is Advance Evaporative Services and features a male voice over “Paul” promoting the companies fees and services for repairing evaporative coolers.

The end of the advertisement the male voiceover states “we’ll have you freezing your tits off in no time”. The Board noted the word ‘tits’ were beeped out .

The Board noted the complainant’s concern that the reference to ‘tits’ is not appropriate and offensive.

The Board noted that the ‘beep’ sound is intended to mask the word ‘tits’ although, most listeners would still interpret that the ‘beeped’ out word to be ‘tits’. The Board considered the whole phrase “freeze your tits off” is understood by most members of the community to be an expression to suggest a person will be “cooled” down in temperature and the general tone of the message was not lewd or suggestive, nor directed at women particularly.

The Board noted that in this advertisement the male voice over is promoting the companies services using common language to a targeted audience.

The Board also noted the radio station has a predominantly adult audience and considered the language used is not inappropriate.

Consistent with a previous determination for a radio advertisement for MAC (0349/17), the Board considered that the current advertisement did use language which was appropriate in the circumstances and did not use strong or obscene language.

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

