



CASE REPORT

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| 1. Complaint reference number | 116/09 |
| 2. Advertiser | Motor Accident Commission SA |
| 3. Product | Community Awareness |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 8 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

In this commercial a twenty-something man makes an impassioned speech about love and hate:

Yeah, i love to party... I mean... I love girls (Laughs). I love taking the piss out of my mates... you know, having a laugh. I love ... I love Mum and Dad, she worries, but i know she loves me. I love my older brother. He always tries to keep me in line. Yeah, I guess I love lots of people. But i hate drink driving. EVERYONE HATES DRINK DRIVERS.

THE COMPLAINT

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

One of the terms the young man uses to describe things he loves is "I love to take the piss out of my friends". I don't feel that this is appropriate terminology to use on TV, especially in a timeslot where young children are within earshot. It used to be quite safe to have the TV on before 9am for content, but my 3 year old daughter's interest was immediately perked at this comment and I will be extremely upset if it is repeated. Whilst I can almost hear the justification of "well that's how people talk these days", I really have a problem with slander and negative behaviours becoming "normal" for us and our kids to hear on TV. I would ask that the language content of this advertisement be reviewed.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

In 2008 36% of drivers/riders killed in South Australia were over the legal blood alcohol limit of .05. Of these 55% were under the age of 25. Despite many years of awareness advertising, education and enforcement it is clear that drink driving is still a problem in this state particularly with young males. As such, it is MAC's position that advertising that engages with and confronts our key target audiences in an effort to change their behaviours is both appropriate and necessary.

With regard to the specific complaint I refer to the relevant section of the AANA Advertiser Code of Ethics: 2.5 - Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

MAC acknowledges that the commercial uses a mild slang expression that could be met with varying degrees of offence or indifference from different members of society. However it was our judgement that prevailing community standards would fail to classify the particular expression as 'strong' or 'obscene'. We decided to proceed with its inclusion, not simply because "that it is how people talk these days", but in an effort to present our target audience with a familiar and credible character that also held a desirable attitude to drink driving. We believe this assists our message's

cut through, retention and most importantly call to action. In this context, I hope you agree that the language was appropriate in the circumstances.

It was not our intention for this commercial to be seen by a three year old. The commercial was approved to go to air by Commercials Advice and was given a P rating for the language content, directing us to avoid program placements and time zones where the commercial may be seen by an impressionable audience without supervision.

Our media buyers have abided by this rating and the complainant has seen the commercial in the program Sunrise at 8.50am, which is not a program with child appeal content and is within an authorised time zone.

We are also sensitive to the needs of the public and can on request forward a schedule of future media activity, including television programs that will allow complainants to avoid them.

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 at the use of the phrase 'take the piss out' in this advertisement.

The Board considered that that phrase is one that is a common vernacular phrase in Australia meaning that a person is teased by another. The Board considered that the phrase was used by a young person in a context that is consistent with its vernacular use and that the phrase was not used in an otherwise aggressive or offensive manner. The Board considered that most people in the community would consider the phrase was not offensive, strong or obscene language and was appropriate for use in the context of an advertisement trying to target young male drivers. 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.