



## **CASE REPORT**

1. Complaint reference number	205/06
2. Advertiser	Ocean Spray International Services (cranberry juice)
3. Product	Food & Beverages)
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Tuesday, 13 June 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features two young women supposedly representing celebrities Paris and Nicky Hilton. Nicky (in her apartment) is discussing via mobile phone with Paris (out shopping in various glamorous boutiques) the issue of detoxing. She advises that her trainer raves about colonics which she was sceptical about, but Paris replies that she finds colonics “indisposable”. Still talking, Nicky takes a bottle of Ocean Spray from her fridge and relates it’s benefits to Paris “Yeah, it’s like totally cleansing with all those cranberries and loads of antioxidants”.

Later in the day, after buying a bottle of Ocean Spray, Paris is in her bathroom looking at the bottle in a confused way. She rings Nicky again and asks “So like, where does it go?” to which Nicky, blinking in disbelief at her sister’s naivety, replies “You like, drink it...” Paris, clearly taken aback, replies “Shut up!”

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*My 2 year old is telling me to “shut up”! My 3 year old commented that it wasn’t nice and I don’t think it was necessary or appropriate to advertise juice.*

*...does not use correct English grammer (sic) it should use the word indispensable instead of indisposabe and then uses the words shut up instead of your kidding. Such incorrect use of language only encourages people to use incorrect language.*

*I do not think we should encourage people to use incorrect grammer (sic).*

## **THE ADVERTISER’S RESPONSE**

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

*Ocean Spray would like to apologise for the inconvenience and the annoyance caused; it was not our intention in creating the commercial....We are playing on the latest slang as used by typical younger Australian women...a language lifted from popular television shows and films.*

*I would like to assure you that all our communications undergo a strenuous consumer research process to ensure they are both enjoyable to view and not offensive. The commercial you mentioned passed the process with out any concerns and therefore we deemed it appropriate to air.*

## **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 that the advertisement parodies the lifestyle of two young women – American celebrities.

The Board considered that the words ‘shut up’ in the advertisement were not used in an aggressive or mean manner and were a parody of current language trends. The Board considered that the use of the words ‘shut up’ was not inappropriate to the circumstances of the advertisement and the words were considered not to be strong or obscene.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.