



CASE REPORT

1. Complaint reference number	28/10
2. Advertiser	Valeant Pharmaceuticals (Cricket's Crap)
3. Product	Health Products
4. Type of advertisement	Outdoor
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 10 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement for UV Triplegard promotes the UV Triplegard range of sunscreens. The advertisement depicts the stylised sun image and accompanying text 'Indoor Cricket's Crap'

THE COMPLAINT

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

I think the language on the advertisement was inappropriate for those who might view it, especially seeing as it was in the middle of a main road where children could see it.

I object to the use of the word 'crap' I find it offensive, and poor advertising.

THE ADVERTISER'S RESPONSE

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

The UV Triplegard 'Indoor Cricket's Crap' advertisement is part of a broad integrated campaign to promote the UV Triplegard range of sunscreens. The overall campaign uses taglines across a range of media with a tone to appeal to the target audience in a humorous way.

Other taglines include: "Someone has to look out for English Backpackers", "Dark places are mouldy", "There's no housework outside", "Fight for the window seat" and "A Ginger's Best Friend"

The advertisements also feature a cartoon interpretation of the sun.

It is important to note that this advertisement is not designed to be offensive to anyone in the community. The advertisement is a humorous way of depicting that activities are better outside than indoors. We also believe that the term 'Crap' has become part of the Australian vernacular, and is not viewed as "strong" or "obscene" language.

Section 2.5 of the code provides that: "Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language should be avoided".

We do not believe that we have breached Section 2.5 of the Advertiser Code of Ethics, as we feel that this word is commonly used by UV Triplegard's target audience and appropriate to the tone of voice of the advertisement

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 concerns that the word "crap" was offensive and not appropriate for use in advertising.

The Board viewed the advertisement and noted the advertiser's concerns.

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 word "crap" is commonly used in the Australian community and is a slang term which means below average and unpopular. The Board noted that some members of the community may find the word offensive and inappropriate. However, most members of the community would be tolerant of the use of this word in particular when used in a manner consistent with Australian vernacular, and in a humorous context. The Board therefore determined that most members of the community would consider the phrase 'crap' is not strong or obscene language and not inappropriate in the context of this particular advertisement.

The Board determined that the advertisement was not in breach of section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.