



## **CASE REPORT**

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| 1. Complaint reference number | 296/05                                   |
| 2. Advertiser                 | Vodafone Network (tight-arse)            |
| 3. Product                    | Telecommunications                       |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Language – use of language – section 2.5 |
| 6. Date of determination      | Tuesday, 11 October 2005                 |
| 7. DETERMINATION              | Dismissed                                |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features the testimony of a young man. He explains to viewers that he used to prank call his friends or send a text message to his friends requesting that they call him back (in order for him to avoid the cost of the phone call). The man explains to viewers that friends consistently called him a “tight arse”. The man then goes on to explain the benefits of the Vodafone \$79 Super Cap.

## **THE COMPLAINT**

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

*“... what I am complaining about is the fact that he called himself a tight-arse four times during the advert, which was shown during a rated G kids programme. Children younger than 7 think it is acceptable to use this language because the man on the telly did. Yes, the ad was shown after 8.30pm but during a kids TV programme is unacceptable.”*

## **THE ADVERTISER’S RESPONSE**

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

*“... Whilst Vodafone believes that the advertisement is not in breach of the AANA Code and was aired in accordance with applicable broadcasting guidelines and standards, we would not wish to cause any member of the public concern.”*

*“... We note that ... the complaint relates to the language used, in particular, the use of the words “tight-arse”, however, her comments are directed to the appropriateness of the time slot at which the Super Cap ad was broadcast ... The style of the ad was deliberately informal, with the story being told in Mr Calvi’s own words. Bearing in mind the age of Mr Calvi, and the time slot at which Vodafone had directed that the ad be shown (after 8.30pm – please see our comments with regard to this below) we believe the language was appropriate in the circumstances and neither strong nor obscene.”*

*“The time slot booked in Victoria on 17 September 2005 was a slot within the movie “The Nugget” which was scheduled to air between 9.40pm and 11.30pm . For reasons outside of Vodafone’s control , the broadcasting network decided to air an alternative program, “The Wizard of Oz”, a G (General) rated movie, at the earlier time of 8.45pm . The Super Cap ad was aired during the replacement movie, in the new slot, rather than at the time for which the media space was booked.”*

*“... despite the network airing the commercial during a G rated program, we consider that the scheduling was in accordance with the provisions of the TV Code. The commercial was aired*

*within the PG zone, in a time slot when it would have been permissible to air content of a stronger nature with a mature, or M rating.”*

## **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 advertiser had scheduled this advertisement to be shown after 8.30 pm . The Board was of the opinion that the language used in the advertisement was neither strong nor obscene and was not inappropriate given the time slot in which the advertisement was aired.

The Board found that the advertisement did not contravene the provisions of the Code relating to the use of language.

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