



CASE REPORT

1. Complaint reference number	333/08
2. Advertiser	Chris & Maries Plant Farms
3. Product	Retail
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Tuesday, 16 September 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

this television advertisement features Chris, dressed in his trademark pink tutu, announcing "A year ago I came to Bendigo - the council said close down. I said 'get bare-rooted' cos that's the cheapest way to buy your plants. It's time to get bare-rooted."

THE COMPLAINT

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

Uses vulgar slang to fire shots at the Council, but disguises it as a gardening term. May encourage children to copy his words. This is not the first time he has attracted attention by using this term, but he has continued the theme to play up his fight with an elected governing body.

I find these ads for Chris & Marie's plant farm extremely offensive he always says things with underlining suggestions, or double meanings, just like "Sam Newman" and he has been reprimanded for such carrying on, these ads are very offensive and should not be permitted to continue.

He tells Bendigo Council to get bare rooted. I find this offensive because children watch a lot of television.

THE ADVERTISER'S RESPONSE

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

In response to the complaints. Both of the complaints suggest that we may have been in trouble before for using the type of language I use in my ads. We have never been officially censured for the language in our advertisements.

I think the advertisement is very in touch with the Australian culture and not offensive to the moors of ordinary Australians, unfortunately not everybody appreciates the ad. We had a very public dispute with the council where the council stated publicly that they would stop us from trading, it was always our claim that we were trading legally and this time last year we ran an ad very similar to the ad these complaints have been made about.

We attracted massive public support so great in fact that the council backed down and left us alone, this ad commemorates our own personal Eureka Stockade where we were being crushed by the local council.

Bare rooted is a horticultural term for trees and shrubs that have been grown in fields and dug out to expose their roots. The term bare rooted has been used for many decades in the horticultural world and we use it in lots and lots of ads.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Section 2.5 of the Code, relating to the use of language. The Board considered that the language used was in bad taste, but was harmless and involved a play on words that was relevant to the industry to which the advertisement related.

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