



## **CASE REPORT**

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| 1. Complaint reference number | 341/08                                   |
| 2. Advertiser                 | RockCity Event Marketing                 |
| 3. Product                    | Entertainment                            |
| 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 Ventriloquist David Strassman with one of his most famous characters, Ted-E-Bear and the promotion is for the Farewell Tour. During the advertisement, another character, a wooden doll called Chuck, tells Strassman, in response to the accusation that he doesn't care that he's ruining the show. "I don't give a shit!"

## **THE COMPLAINT**

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

*In the section where he is holding Chuck (?), he clearly says "I don't give a shit". This ad has been shown at various times across the day and the "shit" is never beeped. Also, given that the comedian uses a toy puppet, my four year old son thinks it's aimed at him and that it's hilarious to copy; "I don't give a shit".*

## **THE ADVERTISER'S RESPONSE**

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

*We have used the same base Television Commercial (just different venue tags), of both the 15 sec and 30 sec since the commencement of the "Ted E's Farewell Tour" in May of this year. David Strassman has toured Townsville, Cairns, Orange/Bathurst, Wollongong, Hobart, and Adelaide, with all locations having aired the same television commercial on either WIN or TEN all without any record of complaint.*

*The commercial being used in Canberra to advertise David Strassman's season at The Playhouse is airing on Channel TEN. The 30 sec commercial went to air on Sunday 17th August and came off air on Saturday 23rd August. The 15 sec commercial is currently on air, and will run right up until our season commencement (Sunday 26th October).*

*We look forward to a favorable outcome.*

## **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 word "shit", in the context of the phrasing used in the advertisement,

has entered the common vernacular in Australia.

The Board noted that the advertisement and the service advertised is directed to an adult audience. However, it also recognised the complainants' concern that the advertisement may appeal to younger viewers because a puppet features in the advertisement. The Board considered whether the language used in the advertisement was appropriate in context of the times it was shown and in particular that it was shown during the day. However, it was noted that the advertisement did not have CAD approval to be shown during children's programming. The Board was of the view that, on the basis that it was not shown during children's programming, the language was appropriate to the circumstances. The Board therefore found no breach of Section 2.5.

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