



## **CASE REPORT**

1. Complaint reference number	353/09
2. Advertiser	Mo's Mobiles
3. Product	Mobile phones
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 12 August 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This advertisement is for the sale of a cheap mobile phone deal. It begins with a father of a young family attempting to fix the family television antenna with a wire coat hanger. The voice over states: “Meet Ted, he’s a cheap bastard, from a long line of cheap bastards”. Ted is shown to flip a coin to a busker and then take change, he will not spend money on a family holiday and refuses to buy a dress for his daughter. The voice over says: “but even Ted cannot go past the bargains at Mo’s Mobiles. ... for great deals that can really save you money”.

## **THE COMPLAINT**

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

*What idiot approved the use of this language? I was watching the TV with my young daughter sitting on my knee. The use of this language is utterly inappropriate.*

*MO's Cheap Phone Deals*

*I take great exception to the above mentioned advertisement and believe it should not be on television and certainly not at the time i experienced it. Channel 7 8:13pm 26/06/09 Please respond.*

*Father is constantly described as a "tight bastard" in family scenario.*

*Gives impression that vulgar language in front of children is acceptable behaviour.*

*Vulgar language used during daytime "family viewing".*

*Even if this ad was restricted to "adult" time slot the acceptability of vulgar language in front of children is still being promoted to adults.*

*It is very inappropriate language to be heard on a TV ad and I found it highly offensive for both myself and my 3 year old daughter to have to hear, especially at that time in the morning. It is simply unacceptable for this type of language to be broadcasted on TV.*

## **THE ADVERTISER’S RESPONSE**

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

*The advertisement was submitted to Free TV and they granted a PG classification. Channel 7 has confirmed that the advert has in all instances been aired in accordance with the classification guidelines. We feel that the word ‘bastard’ has widespread use within the Australian Community with inoffensive and humorous connotations. We do not believe that the use of the word ‘bastard’ in our advertisement is either vulgar or obscene nor does it offend the prevailing community views and standards.*

## **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 complaints' concerns and considered the advertisement under Section 2.5 of the Code which states:

“Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted that the advertisement was shown during the morning show on a weekday. They further noted that the use of the word “bastard” was not portrayed in a strong or obscene manner.

The Board also noted the gentle humour used in the advertisement and found that most members of the community would understand that the reference to “cheap bastard” was intended to be a lighthearted, funny and inoffensive colloquial use of language. However, it recognized that some members of the community could be upset by the advertisement being shown during a “family viewing” time slot.

The Board considered that the advertisement did not breach Section 2.5 of the Code.

The Board considered whether the advertisement portrayed men in a way which would demean, discriminate against or vilify men on account of their gender.

The Board considered that in the context of prevailing community standards the majority of people would find this advertisement humorous rather than offensive or demeaning to men and was not suggesting that all men are cheap bastards.

The Board was of the opinion that the portrayal of the father who was depicted in the advertisement were exaggerated and lighthearted and did not contravene section 2.1 of the Code.

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