



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 422/07 |
| 2. Advertiser | Kingsbury Antenna & Home Theatre |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Violence Other – section 2.2
Language – use of language – section 2.5 |
| 6. Date of determination | Tuesday, 11 December 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features the voices of a husband and wife arguing about the placement of an antenna for the best TV reception. In frustration the husband comments "I hate this (beep) TV..." and the sound of a smash and tinkling glass is heard, followed by the wife asking "What have you done?" A voiceover advises "Save your TV, your mind...and your marriage. Get Kingsbury Antenna and Home Theatre to install your TV, antenna, cable, set top boxes and home theatre. Kingsbury Antenna and Home Theatre design, install, tune and sell all home theatre components." A TV show theme plays as the husband is heard to say "I love this show" and the voiceover concludes with the advertiser contact details.

THE COMPLAINT

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

The ad contains offensive language (mildly disguised), violence and is offensive in an auditory sense

THE ADVERTISER'S RESPONSE

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

(There are) three scripts, and I approved them all. Once they had been produced I had a listen to them and found them all to be excellent and was advised to go with the man wife ad for my launch which I agreed and first aired on October 14 2007.

The reason why I thought it would be good to go with this one is because in the past four years of doing in house service calls setting up new televisions, digital set top boxes, DVD recorders, Plasma & LCD TV's and also because of the ever changing technology, I have found a lot of people getting very frustrated trying to set them up themselves.

Week in week out I have about 10 - 15 calls from people saying things like " we bought a new TV on Saturday and my husband/wife has tried all weekend to get it working, can you help?" I have lost count now, but I have turned up to customers houses to have them say, they have either wanted to throw the TV out the door, kick it or throw the remote at the screen and so on, and 95% of the time all of these people would be swearing while saying it.

All the people that have heard the ad and called me to do work at thier place, and have said they loved the ad and thought it was very clever. Some have said it is what is happening at thier place at moment.

In regards to the complaint about violence, there is no violence directed to anyone in the ad. A man smashing his TV is hardly an act of violence.

In regards to the obscene language claim, what ever word is meant to be there is beeped out, not "mildly disguised".

I have talked with the people concerned at the radio station about the complaint and they have said it is within the guidelines, and if it was not, they would not have put it to air. They also said that other ads have gone to air that have been made by other production houses on the mainland that ran far closer to crossing the line than mine.

I thank you for making me aware of the complaint and if you would like to hear the other to ads that have not gone to air yet I'll be happy to send them to you.

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 complainants' concern that the advertisement suggests bad lanaguage and is suggestive of violence.

The Board noted the concern about the use of bleeped out language likely to be words such as 'fuck'. The Board noted that there is no audible mention of the word 'fuck' or of any other inappropriate language. Although the advertisement may be suggestive of inappropriate language to some people, the Board determined that the advertisement did not contain strong or obscene language and that the language used was not inappropriate for the product being advertised.

The Board noted that the advertisement suggests that the husband breaks or damages the television. The Board considered that this was a poor advertisement but that it did not depict or strongly suggest violence. The Board considered that the advertisement is suggestive of the man becoming frustrated and the television being damaged, but that this does not amount to a depiction of violence in breach of section 2.2 of the Code.

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