



CASE REPORT

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| 1. Complaint reference number | 429/08 |
| 2. Advertiser | Austereo Pty Ltd |
| 3. Product | Entertainment |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1
Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement is located in the home of a woman and her husband, Bill who is washing the dog in the kitchen sink. The woman is very opinionated and confident. She does not like the Kyle and Jackie O Show and makes this abundantly clear - "Those people next-door. They never have the bloody station off! Kyle and Jackie O breakfast show – what a joke; Mutton dressed as lamb if you ask me; It's got no intelligence. No taste. What have they got that I haven't got. And Kyle... He never knows when to stop, he never draws breath. Ney Ney Ney nasty. He's a toad." Finally, the couple sit in front of the television and a piece of paper is held up in front of the camera with the words "Some people just don't get it". The advertisement then cuts to a slick, fast-paced montage highlighting elements of the show and a voice over states "The Kyle and Jackie O Show. 6-9am weekdays

THE COMPLAINT

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

I have had my granddaughters staying with me during the school holidays and this obnoxious ad was shown during daytime television I do not speak like the woman in the advertisement and I would hope that my children and grandchildren would not speak the language coming out of that woman's mouth. I had a very impressionable 4 year old staying with me who picks up things very quickly. There have been other advertisements for 2 Day FM for the same show that I was not happy about, but this one takes the cake!!!

Please remove it from television or ask the networks to show it at 3am when all the children, and myself, are asleep!!!

THE ADVERTISER'S RESPONSE

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

Thank you for your correspondence sent on 22 October 2008 in relation to the above matter. We have now had an opportunity to review this complaint and the Advertisement to which it refers which promotes the 2Day FM radio station and the Kyle and Jackie O breakfast program (the "Program").

Please note that George Patterson Y & R/OMD bought and placed the advertisement. Free TV Australia, through its entity Commercial Advice Pty Limited, classified the Advertisement. It is our understanding that the Advertisement was given a "P" classification and has run in television time slots appropriate to its rating.

While we can appreciate that the complainant does not approve of the opinionated and rather angry attitude of the woman featured in the Advertisement, it was our intention that the Advertisement highlight the fact that the Program is famous for polarising public opinion; the

public either love or loathe it. We have chosen a proud, strong and informed woman in our Advertisement to illustrate, in an entertaining manner, the possible views of a person who does not enjoy the Program.

The character featured in the Advertisement uses colloquial language to express her dislike of the Program and the Program hosts. The words she uses are commonly employed by the general public to express strong views and the Advertisement does not contain any swearing.

The prevailing intention behind the Advertisement is to entertain the viewers in a humorous fashion at the same time as reinforcing the fact that the Program and its hosts divide public opinion and that is what makes the Program Sydney's highest rating FM breakfast radio program. Taking into account the entertaining nature of the Advertisement, it is, in our opinion, appropriate for the time slot in which it appears.

In our view, the Advertisement does not breach any part of section 2 of the AANA Advertiser Codes of Ethics. The Advertisement does not portray women in a way which discriminates or vilifies them on the basis of their sex, nor does it portray the featured character in a malicious manner. The Advertisement shows an empowered woman freely expressing her opinion. We submit that television programs such as Video Hits often present women in a derogatory, as well as overtly sexual, manner and our Advertisement does neither of these things. In our opinion, the language used by the woman in the Advertisement is appropriate in the circumstances to express her strong views and the Advertisement does not deal specifically with sex, sexuality and nudity.

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 complainant's concern about the language used in the advertisement.

The Board noted the depiction of the couple in the advertisement, and considered that the depiction of the woman was exaggerated and unrealistic and did not amount to vilification or discrimination against older women.

The Board noted the use of the terms 'bloody' and 'toad' during the woman's monologue. The Board considered that, while the tone and content of the woman's monologue was intended to be risqué and somewhat inappropriate, the language would not be considered by most people in the community as obscene or offensive. The Board determined that the advertisement did not breach section 2.5 of the Code.

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