



CASE REPORT

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| 1. Complaint reference number | 482/08 |
| 2. Advertiser | Rivers (Aust) Pty Ltd |
| 3. Product | Clothing |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 10 December 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement from Rivers Australia for its 12 day sale has an image of a woman dressed in black jeans and t-shirt, high heeled shoes and white sunglasses. Information about the sale surrounds the image. Above the image the word SALE appears in red and to the left are the words, "The s**t has hit the fan".

THE COMPLAINT

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

*On front & back cover and within text there is the wording "THE S**T HAS HIT THE FAN..." in large typeface and used as heading. I'm a 49 year old bachelor and don't have any kids, but work with them. This display of words I find totally irresponsible and do hope appropriate action can be taken for this use of words.*

Copy of correspondnce sent to Rivers. Your latest brochure is irresponsible advertising. We are most dissapointed in the uncouth launauge. As parents of 3 children aged 14, 12 and 10 we discourage the use of foul language and anything resembling swear words. Your campaign sends a mixed message to the kids who might start to think that speaking like that is normal. I would complain to the press but this would only give Rivers greater publicity. We will not be shopping at Rivers. Please refrain from using this sort of language again.

THE ADVERTISER'S RESPONSE

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

We certainly don't go out of our way to offend people. We don't mean any harm, it's more the laid back aussie attitude of our business coming through, as it always does.

Note that in the particular catalogue that the customer is referring to, we do not actually mention offensive words anywhere. What we did was to draw attention to our catalogues in a very competitive environment of catalogues everywhere.

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 noted that, although the word "shit" is implied through the use of asterisks, no offensive

language is actually used in the advertisement. The Board therefore determined the advertisement did not use any inappropriate or strong or obscene language and found no breach of Section 2.5.

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