



CASE REPORT

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| 1. Complaint reference number | 500/09 |
| 2. Advertiser | Sunshine Kebabs |
| 3. Product | Food & Beverage |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 11 November 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement starts with a musical jingle and depicts a man eating a kebab. A song starts with the words 'I was really freakin' hungry so I got something to eat ...'. The jingle sounds like a take off of a rap song. It shows a young male eating the kebab and then cuts to a woman and then a man on a farm. It then says it has a fresh cut salad and tasty cooked fresh meat. "sunshine kebabs ... oh yeah!"

THE COMPLAINT

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

I do not believe that the word 'friggen' should be used in a TV advertisement, especially when the ad is regularly aired during prime time TV slots. The word 'friggen' is a common replacement for 'fuck' and that word wouldn't be tolerated, so neither should it's modern day replacement.

I object to this advertisement because the word "Friggin" is another of saying the "F" word and I don't think children should be subjected to this language.

THE ADVERTISER'S RESPONSE

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

I do not have many comments. The add does not use any inappropriate language. The word that is thought to be inappropriate has been confused and it actually is 'freakin' not the other word used as the alternative for cursing.

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 that the advertisement contained inappropriate and offensive language.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states:

"Advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board noted that the advertiser had explained that the word which the complainants were complaining about was in fact 'friggin' but instead the word "freakin." The Board noted that the word is a very minor part of the advertisement and is easily missed so is not a strong feature of the advertisement. The Board considered that the word "freakin" was not offensive in the context used in the advertisement and is generally not considered to be strong or obscene language. The Board considered that most people in the community would not consider the word a swear word and would not consider it inappropriate in the circumstances. 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.