



## **CASE REPORT**

1. Complaint reference number	82/09
2. Advertiser	Eagle Boys Pizza
3. Product	Fast Food
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 11 March 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Eagle Boys for its pizza products features comedian Dave Hughes. On the left of the screen there is a sign that says "Get real with Dave". Dave explains that he thinks the economic crisis "Sucks". He says his wife offered him a three course meal and she gave him a glass of water, a sandwich and a mint which he says is not good enough. The advertisement ends with Dave saying: "Give me three, get real".

Another advertisement in the series begins the same way, but then cuts to a voiceover that says: "Well try this three course meal deal from Eagle Boys". The inclusions are described and viewers are told to "Get real with Eagle Boys". The advertisement ends with a pizza box showing the phone number and the voiceover reading it out.

## **THE COMPLAINT**

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

*At 6-6.30 at night I think this language is unnecessary. It is unnecessary at anytime. How are children supposed to know what is appropriate if advertising saying this words and making it seem to be acceptable language.*

## **THE ADVERTISER'S RESPONSE**

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

*The following letter is provided to substantiate Eagle Boys' case that the advertisements in question titled Economic Crisis are not in breach of Section 2.5 of the AANA Code of Ethics.*

*I am responding to this complaint in my capacity as National Marketing Manager of Eagle Boys Pizza and the final signatory of all National advertising communications released to market under both the Eagle Boys Pizza and Pizza Haven brands.*

*Section 2.5 states that "Advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided." There are two avenues upon which we challenge the notion that Eagle Boys Economic Crisis executions contravene this clause:*

*(1) Whether the word "sucks" is considered "strong or obscene language"*

*(2) Whether the TVC is not considered "appropriate in the circumstances"*

*In relation to (1), we note the following:*

- *The word “sucks” according to the Compact Oxford English Dictionary can be “used to express derision or defiance.” This is the exact intent of the use of the word “sucks” in the Economic Crisis execution*
- *The word “sucks” is a commonly used phrase to express derision or defiance across Australia*
- *There are numerous stronger or more offensive terms that could have been used to convey the severity of the economic crisis being faced, but Eagle Boys feels that “sucks” adequately conveys this message*
- *A proliferation of internet blogs have emerged supporting the view that the word “sucks” is no longer offensive as this word has evolved in meaning and intent. One such example can be found at <http://www.slate.com/id/2146866/>*

*In relation to (2), we note the following:*

- *The complainant specifically refers to the impact of the word “sucks” on children*
- *Eagle Boys Pizza do not place advertising in C classified programming*
- *Eagle Boys Pizza do not script ads specifically to appeal to children*
- *Eagle Boys Pizza purchase all television media against a People 25-54 demographic*

*The word “suck” or “sucks” is commonly used in a variety of environments and mediums where children are likely to be exposed. Current examples include:*

*o My Life Would Suck – Current hit single from Kelly Clarkson receiving significant exposure in a wide variety of mediums including TV and radio*

*o Numerous cartoons using the word “sucks” of which two examples are attached*

*o Popular cartoon series The Simpsons using phrases such as “That team sure did suck last night. They just plain sucked! I’ve seen teams suck before, but they were the suckiest bunch of sucks that ever sucked.”*

*We look forward to notification that the Board has determined that the complaint be dismissed on the abovementioned grounds.*

## **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 use in the two advertisements.

The Board noted the advertiser's response and information provided about the use and meaning of the word 'sucks'. The Board agreed that the term is a commonly used word in the Australian community and that the use of the word in the advertisement is consistent with its colloquial meaning. The Board noted that the word is not used in an aggressive or mean manner. The Board determined that the use of the word 'sucks' in these advertisements was not inappropriate and would not be considered as strong or obscene language. 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.