



CASE REPORT

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| 1. Complaint reference number | 99/09 |
| 2. Advertiser | Ramp 2 Ramp |
| 3. Product | Clothing |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 8 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement promotes a surf and skate clothing store. Images of store products, including clothing, board shorts, wallets, shoes, belts and caps are shown. The final image shows details the store name and the store location. The voice over states the location of the store and asks “Have you got the balls?”

THE COMPLAINT

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

As no balls or ball game merchandise is featured in the ad I fail to see any relevance other than the advertiser decided to use a crude term as some sort of challenge and maybe for shock effect. I and my wife find it offensive to be repeatedly assaulted with that term, especially on a mass media, and another indication of slipping standards. I guess we left it to others to complain, but maybe they accept it as progress in lowering standards! Footnote, re Australia Day advert....we had no idea what was being said as the last example....I have never heard the term "dead arm" here in SA, and put it down to unprofessional production to use undecipherable terms! So thanks for the clarification.

THE ADVERTISER’S RESPONSE

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

We are a Retail Store of BMX Hardware and Soft goods, Skateboarding Hardware and Soft goods and Street wear. We believe that our market is targeted to those in the general public to want to ‘live life on the edge’ and to those who may want to be perceived as an individual and not one who looks like everyone else. Our tag line ‘Have you got the balls?’ that is incorporated into our advertising campaign is with the intention of giving our market a rhetorical question and letting them ask themselves whether they have the fortitude to get into our store and have a look around. We by no means intend on our campaign offending anyone.

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 use of the phrase 'Have you got the balls?' is offensive.

The Board noted that the advertisement is for a range of skateboard and bmx clothing and that the term is not related to any part of the advertisement. The Board considered however that most people in the

community would find that the term is a well known somewhat coarse reference to a person having the courage to do something. Although the use of this phrase is not specifically relevant to the product being advertised, its use is consistent with its colloquial usage in Australia. The Board considered that most members of the community would not find the phrase offensive or consider it obscene language. The Board considered 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.