



Case Report

1	Case Number	0126/15
2	Advertiser	Toot Toot Car Loans
3	Product	Insurance
4	Type of Advertisement / media	Radio
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

These radio advertisements feature satisfied customers describing their experiences using Toot Toot Car Loans. Some of the words are beeped out with the sound of a car horn:

Version 1 - male customer says, "I felt like my (toot toot)s were as big as basketballs".

Version 2 - female customer says, "I was just so (toot toot)in happy".

Version 3 - male customer says, "I felt like I was the (toot toot)ing king of the (toot toot)ing world".

Each version ends with a call to action: "Visit tootoot.com.au first. More car buying power for you".

THE COMPLAINT

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

The ad is extremely dangerous as there are 7-9 car horns beeping during the ad. As the ad was played on radio at 8.30am (when many people are driving to work) and this is peak hour traffic, the horns were not only distracting but dangerous.

I am offended. I do not think it is of standard.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

In response to the complaints filed against Tootoot's radio commercials, we are refuting that any of the three radio ads created in the this campaign infringe the requirements of Section 2 of the AANA Advertiser Code of Ethics, in relation to either the use of strong and obscene language (Section 2.5); or in relation to and health and safety (Section 2.6).

Background

The radio advertisement in question is one of a campaign of three radio ads being used to launch the new Australian car loan company 'Tootoot' car loans. The simple creative premise of these ads is one of consumer empowerment. The advertisement concept is a fictional interview scenario asking 'satisfied customers' of how they feel about when they're buying a car in the knowledge that they have the upper hand at the dealership (having received pre-approved finance and car buying advice from Tootoot). The interviewees are delighted and their 'colourful' language is censored with timely car 'toots'.

The radio ads were playing in the Sydney, Brisbane and Victoria metro markets on the 2GB, KIIS, 93.7, 3AW Nova networks during all time slots breakfast, morning, afternoon and drive.

There are two separate, but connected complaints here:

1) *"The ad implies very crude language using the words 'toot toot' to replace swear words".*

The Section 2.5 of the code states that Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

Response: We have avoided the use of strong language or obscene language by clearly censoring all strong language with 'car toots'.

2) *"There are car horns beeping during the ad. The horns were not only distracting but dangerous. The ad came on and I slammed on the brakes thinking it was an actual car horn".*

The Section 2.5 of the code states that Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

Section 2.6 of the code states that Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Response: We have avoided the use of strong language or obscene language by clearly censoring all implied strong language with 'car toots'. The toots themselves cannot be deemed 'language'. The intent of Section 2.6 of the code is not to ensure that drivers are

protected from distraction by the content of radio ads. These ads do not depict any material contrary to Prevailing Community Standards on health and safety.

We respect that the ASB will have regard for what is considered to be prevailing community standards. One only needs to listen to morning radio traffic reports which are punctuated with car and traffic sounds, and there are countless examples of tyre and mechanic/breakdown services that use screeching tyres and brakes, and even siren sounds effects. The use of censorship is by definition a technique to uphold the Code.

We feel very strongly that the use of the car toot sound effect to censor implied colourful language, and to act as a mnemonic device connect to our brand (Tootoot Car Loans) does not in any way breach the Code.

Finally, we advise the continuing use of the Tootoot brand and therefore the radio commercials is presently under review as part of a review of all brands across the Group. At this present time it is unlikely that the brand will be used going forward.

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 complainants’ concern that the advertisement implies crude language and that the use of a car horn is dangerous as it is distracting to road users.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board then 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted there are three versions of this radio advertising campaign and that each feature a person describing their experiences with Toot Toot Car Loans and that some of their words are covered by the noise of a car horn.

The Board noted that in each version of the advertisement the spoken words are covered by the noise of the car horn and considered that it is not clear what words are being covered over. The Board noted that the complainant had interpreted the covered words as being crude and offensive but considered that it is not clear what the words are. The Board noted that the words which are not covered by a car horn are not inappropriate or offensive and considered that overall the advertisement does not actually use any language which could be considered strong, obscene or inappropriate.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that all three versions of the advertisement feature repeated use of a car horn.

The Board noted that it is not illegal for a car horn to be used in a radio advertisement. The Board noted it had previously dismissed similar complaints about the use of a horn (89/06) or siren (0160/14) in a radio advertisement.

The Board noted in this instance that the name of the advertiser is Toot Toot and that the horn used in the advertisement is first used in conjunction with this name. The Board considered that most listeners of the advertisement would identify that the horn is being used to cover spoken words and considered its multiple use in the advertisements is unlikely to cause drivers to be distracted to the point of dangerous driving.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code, particularly in relation to the safe control of a motor vehicle.

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