

## Case Report

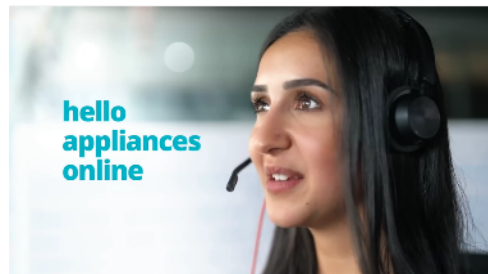
1. Case Number :	0241-24
2. Advertiser :	Appliances Online Pty Limited
3. Product :	House Goods Services
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	9-Oct-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Advertising to Childrens Code\2.1 Prevailing Community Standards  
AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT

There are multiple versions of this on demand TV advertisement which feature various people reacting to broken appliances. A voice-over says "say goodbye to S#!\* appliances". A woman in a call centre says "hello, Appliances Online."



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*The ad features a tagline " Say goodbye to sh\*\* appliances" which is both audio and visual - and aired during children's morning cartoon program. The word "shit" in audio is partly cut out but it is very clearly meant to be this word.*

*This is targeted for an adult audience and very inappropriate for young children who are learning language and very sensitive to it without the maturity to understand nuance of what is and is not acceptable to use. We should not expect that young children are going to be exposed to this.*

*The ad was aired at 7:41am during paw patrol on channel 10. Monday 16th September 2024.*

*I have seen it on television during prime time viewing. Whilst the swearing is bleeped out, this is still not appropriate advertising on mediums and at times that children can view it.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to the two complaints made in connection with the Appliances Online Advertisement, which includes a reference to "Say goodbye to \$#! Appliances" (the Advertisement).*

*Appliances Online is committed to conducting all advertising and promotions to the highest standards, and we take any complaints seriously.*

*We note that the complaints relate to the Advertisement, shown on Broadcast Video on Demand (BVOD) and YouTube. The Advertisement is no longer shown on BVOD.*

### *Background - the AOL Advertising Campaign*

*The Advertisement is part of a broader campaign that takes a light-hearted look at how our legendary service can rescue anyone whose faulty appliance impacts their daily life.*

*The campaign highlights people's frustrations with appliances that let them down at crucial moments. Appliances Online solves this problem by offering quick delivery, installation, and removal of old goods—all done with a smiling face. The campaign intends to emphasise how we can alleviate the stress caused by faulty appliances, turning these frustrating moments into positive experiences by offering fast and professional services.*

*The campaign's use of humour and everyday language was intended to make the Advertisement relatable and memorable for our audience. It reflected real-life situations many people encounter. While the language may be bold, it was chosen to resonate with those frustrations, positioning Appliances Online as the brand that can quickly and efficiently resolve these issues.*

*The Advertisement is targeted at an audience aged between 25-55.*

### *Response to issues raised in the Complaints*

*As requested, we have considered the complaints by reference to all relevant advertising codes, including the AANA Code of Ethics (AANA Code of Ethics) and the AANA Code for Advertising and Marketing Communications to Children (AANA Code for Children).*

*Having considered the Advertisement and the complaints, as well as the requirements of the AANA Code of Ethics and AANA Code for Children, we respectfully submit that the Advertisement does not in any way contravene the Codes.*

#### *AANA Code of Ethics*

*We note that Section 2.5 of the Code provides that “advertising 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 accompanying AANA Practice Notice further elaborates on this provision, stating:*

*“Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted, provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive way”;*

*language that does not use the actual word are normally considered acceptable if used in a light-hearted and humorous way, is in subtitle rather than spoken word and are appropriate to the situation; and*

*Advertising which sufficiently beeps or censors language so that it cannot be understood will not be seen to be strong or obscene language.*

*The words featured in the Advertisement are used in a non-aggressive, light-hearted and humorous way, are not spoken, and are sufficiently censored, so that they cannot be understood to be strong or obscene.*

#### *AANA Code for Children*

*Although we deny that the Advertisement contravened the AANA Code for Children, we note that the Advertisement on BVOD is no longer being shown, and the Advertisement was not shown on Youtube Kids, so not part of children’s audience programming.*

*Appliances Online sincerely regrets any offence taken by the complaints pertaining to the Advertisement, however, we consider that the Advertisement does not in any way contravene the relevant Codes.*

#### **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether the versions collectively forming this advertisement breach the AANA Children's Advertising Code (the Children's Code) or Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement contains inappropriate language for children's viewing.

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

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

### **Does the advertisement target children?**

The Panel noted that the Children's Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

- 1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
- 2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
- 3. Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

*"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*"In relation to the third criteria, measures to determine if Children are likely to be a 'significant proportion' of the expected average audience may include one or a combination of the following:*

- Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children's*

*event or concert that is incidental to the ad placement, the audience of that incidental Children’s concert or event will not be captured.*

- *C&P programmes.*
- *Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision).”*

Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?

The Panel considered that the advertised products are household appliances and considered that this product would not be principally or significantly appealing to children.

Point 2: Is the content of the advertisement principally appealing to children?

The Panel considered that the theme of the advertisement is related to replacing broken appliances and that this would not be attractive to children. The Panel considered that the advertisements don’t contain bright colours or other visuals which are likely to attract the attention of children. The Panel considered that the language in the advertisement was adult, and not principally appealing to children. Overall, the Panel considered that the content of the advertisement was directed to adults and was not principally appealing to children.

Point 3: Does the expected average audience of the advertisement include a significant proportion of children?

The Panel noted that the advertisements had been viewed at various times, including during children’s cartoons. The Panel noted that at times the average audience for the advertisement may include a significant proportion of children.

### **Targeting children conclusion**

The Panel considered that:

- the product would not have significant appeal to children
- the content of the advertisement was not principally appealing to children

- audiences for the advertisement may include a significant proportion of children.

Weighing all three criteria, the Panel found that the advertisement did not target children and the provisions of the Children's Code do not apply.

**Code of Ethics Section 2.5: Advertising 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 Panel noted the Practice Note for this section of the Code includes:

*"Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner.*

*Advertising which sufficiently beeps or censors language so that it cannot be understood will not be seen to be strong or obscene language."*

The Panel noted that the advertisement appeared while streaming live TV at all times of day in different programs including cartoons and considered that the relevant audience would be broad and include children.

The Panel considered that the word 'shit' is commonly used in Australian vernacular, and its use as a description of broken appliances is consistent with this colloquial usage. The Panel considered that the word is not used in a demeaning or aggressive manner.

The Panel considered that the word is not used, or written in full, and would not be understood by anyone not already familiar with the language. Overall, the Panel considered that the language used was appropriate in the circumstances, including for the relevant audience and medium.

### **Code of Ethics section 2.5 conclusion**

The Panel considered that the advertisement did not breach Section 2.5 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Children's Code or the Code the Panel dismissed the complaints.