

Case Report

1. Case Number :	0246-24
2. Advertiser :	Kennards Hire
3. Product :	Hardware/Machinery
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	9-Oct-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

There are six versions of this television advertisement.

Version 1 (15-second) features a woman drinking tea watching a man in a boom lift fix something on her roof. The man says "Looks good hey".

The woman says "Ken oath".

The man says "What was that love?"

The woman shouts "Ken oath".

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."

Version 2 (15-seconds) features three children jumping and cheering while watching a man in a mini loader fill a sandpit with a load of sand.

The man says "All done girls, happy?"

The children say "Ken", then a dog barks.

The man says "Ken oath alright."

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."

Version 3 (30-seconds) features a woman drinking tea watching a man in a boom lift fix something on her roof. The man says "Looks good hey".

The woman says "Ken oath".

The man says "What was that love?"

The woman shouts "I said, Ken oath".

Then three children are shown jumping and cheering while watching a man in a mini loader fill a sandpit with a load of sand.

The man says "All done girls, happy?"

The children say "Ken", then a dog barks.

The man says "Ken oath alright."

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."

Version 4 (15-seconds) features a man on a worksite who says into his phone "Hey boss, Kennards sorted, all good."

The boss then says "Ken oath" while he types "Ken oath" on his phone.

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."

Version 5 (15-seconds) features a woman arriving to a house site with a man who says "Looking good hey?"

The woman says "Ken oath, what do you think Nonna?"

Nonna speaks in another language with the subtitle "Ken Oath!" shown.

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."

Version 6 (30 seconds) features a woman arriving to a house site with a man who says "Looking good hey?"

The woman says "Ken oath, what do you think Nonna?"

Nonna speaks in another language with the subtitle "Ken Oath!" shown.

A man is shown on the worksite holding his phone and says "Hey boss, Kennards sorted, all good."

The boss then says "Ken oath" while he types "Ken oath" on his phone.

A voice-over says "From big jobs to even bigger jobs, get the Ken oath feeling, Kennards make your job easy."



THE COMPLAINT

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

LANGUAGE. THE CONTINUAL USE OF 'KEN OATH! VERRY SOON KIDS WILL BE DAYING THE SAME.

THE ADVERTISER'S RESPONSE

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

Response in relation to the complaint.

The below response addresses our evaluation of section 2 of the AANA Code of Ethics.

We have addressed all areas within section 2 with a focus on the specific complaint section of 2.5.

2.1 Advertising of Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

We can see no areas that don't comply with the standard outlined in 2.2.

*2.2 Advertising or Marketing Communication shall not employ sexual appeal:
a) where images of Minors, or people who appear to be Minors, are used; or
b) in a manner which is exploitative or degrading of any individual or group of people.*

We can see no areas that don't comply with the standard outlined in 2.2.

2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

We can see no areas that don't comply with the standard outlined in 2.3.

2.4 Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

We can see no areas that don't comply with the standard outlined in 2.4.

2.5 Advertising or Marketing Communication 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.

We have reviewed in detail the AANA Code of Conduct guidelines throughout the preproduction of our content for the delivery of the Ken Oath creative platform over the last 4 years. In response to this complaint, we have evaluated again and still feel we are within the guidelines.

Inline with section 2.5 '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'.

Ken Oath. Is a creative platform that embodies and celebrates Kennards' next-level commitment to customer service. Ken Oath as a phrase in common use in Australia works in two critical ways.

- 1. It means yes. Can I return this tomorrow instead? Ken Oath! Can you show me how this equipment works? Ken Oath!*
- 2. It's a customer service oath that staff take to providing unrivalled customer service.*

Over the last 4 years we have been very precise in ensuring to imbue both meanings of the phrase Ken Oath, particularly the second. "The 'Ken Oath' embodies Kennard Hire's customer centricity strategic focus and communicates our customer service obsession in a way that is relatable and memorable to our core trade audience.

To help inform our evaluation of the Ken Oath creative platform and its resonance with our audience, we undertake comprehensive research and evaluation in partnership with KPMG on a yearly basis. The platform continues to score well across key indicators including likability, talking to people like me, positivity towards our brand and consideration. Based on these metrics we feel confident that the intended tone and humour of the campaign is resonating.

Protecting the likeable and entertaining tone is a critical part of the Kennards Hire brand. Significant strategic evaluation took place through the preproduction and production process to make sure our talent could maintain the tone of the script in a way that ensured the gentle humour of the communication could be delivered effectively. The selection of the characters who deliver the lines Ken Oath have been scripted very deliberately to ensure we aren't aggressive or demeaning.

2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.

We can see no areas that don't comply with the standard outlined in 2.6.

2.7 Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.

We can see no areas that don't comply with the standard outlined in 2.7.

In summary, it has not been our intention to offend any segment of the community, instead our aim is to connect deeply to the common vernacular of Australian's and by linking our business strategy to deliver exceptional customers service with this phrase. Creating a fun and memorable piece of content that reflects the values and culture of a family run business.

THE DECISION

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

The Panel noted the complainant's concern that the advertisement contains inappropriate language.

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

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.

The "f" and "c" words are generally viewed as harmful, unacceptable and not permitted. Nonverbal representations of the "f" word are also generally not permitted. Words and acronyms that play on the 'f' word, e.g. WTF and LMFAO, but do not use the actual word are normally considered acceptable if used in a light hearted and humorous way, are in subtitle rather than spoken word and are appropriate to the situation. Advertisements which use the 'f' word in full will be seen to constitute strong and offensive language, even

when the audience is restricted. Advertising which uses the ‘f’ word where it has been insufficiently censored so that it can be easily understood by audiences, will be seen to constitute strong language, especially when seen by a broad audience.

Advertising which uses rhyming words, or similar words to strong language, will not be seen to be strong or obscene when used in a light-hearted and humorous manner.

There is a higher sensitivity in the community relating to the use of inappropriate language by children, even when it is not used in a demeaning or aggressive manner.”

The Panel noted the advertisement had received a ‘G’ rating from ClearAds meaning that the advertisement could be shown all day. The Panel considered the relevant audience would be broad and would include children.

The Panel considered that the language in the advertisement was suggestive of the common phrase ‘fucking oath’, but noted that the f-word was not used in the advertisement. The Panel considered that this suggestion would not be understood by anyone not already familiar with the phrase.

The Panel considered the phrase is used in a light-hearted and humorous manner and is not strong or obscene.

The Panel noted that in versions 2 and 3 of the advertisement, children begin to say the phrase but are cut off. The Panel considered that children saying the word “Ken” does not constitute inappropriate language.

Overall, the Panel considered that the suggested language in the advertisement is appropriate for the circumstances, including for the audience and medium.

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 Code the Panel dismissed the complaint.