

Case Report

Case number: 0175-26
Advertiser: Lactalis Australia Pty Ltd
Medium: Billboard
Decision date: 22-Jul-2026
Decision: No breach

ISSUES CONSIDERED BY THE COMMUNITY PANEL

- AANA Code of Ethics - 2.5 Language - no breach

AD DESCRIPTION

This Billboard ad features an image of an Oak Chocolate milk drink carton on its side between the letter's 'F' and 'N COLD AS', forming the text 'F OAK 'N COLD AS'. Below this, an image of someone holding a steaming cup of warm Oak chocolate milk appears next to the words 'HEAT YOUR OAK'.



SUMMARY

Complaint/s

A complaint was received on the grounds that this is a clear reference to a swear word, and the complainant's child immediately realised this. The advertising should be removed.

Advertiser response

The advertiser responded that the billboard substitutes a familiar expression and is presented in a light-hearted and humorous manner consistent with the OAK brand personality. Having regard to the audience, medium and overall context, the language used is appropriate in the

circumstances. The advertiser explained that this image and phrase only appears on weather-triggered digital billboards and is activated only when:

- the temperature falls below 7.5 degrees between the morning hours of 6am - 9am
- the temperature falls below 12 degrees in the early evening hours of 5pm - 8pm

Outside of these specific parameters it displays a different image and message.

The creative encourages consumers to associate OAK with the winter season and reinforces the product's relevance during colder weather. This is the second consecutive year OAK has used the 'FOAKn Cold As' tagline as part of its winter campaign.

A copy of the advertiser's full response is included as Appendix A.

Decisions

The Panel found that the ad did not breach section 2.5 of the AANA Code of Ethics, as the ad did not feature strong or obscene language.

ASSESSMENT AND DECISIONS

Section (AANA Code of Ethics): 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 Practice Note states:

Section 2.5 prohibits the use of strong or obscene language and requires that the language used in advertising must be appropriate for the circumstances. 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.

Panel assessment

The Panel considered firstly that the ad did not feature the 'f' word, but rather a play on a phrase that contains the 'f' word. The Panel considered that this reduced the intensity of the phrase. While the Panel considered that there was a possibility that the image in question would be visible during typical rush-hour periods, it considered that people would likely have to be familiar with the original phrase before realising that this image was a play on that phrase.

The Panel further noted that the phrase was not used aggressively and was not directed at another person or group of persons and was arguably part of typical Australian vernacular.

The Panel considered that, while there would be people who were uncomfortable with the use of the word, even in its crafted format as it appears on the billboard, it would not likely be seen as contradictory to prevailing community standards.

Panel decision

On this basis, the Panel found that the billboard did not breach section 2.5 of the AANA Code of Ethics.

OTHER CONSIDERATIONS

The Panel found that the ad did not breach any other section of the relevant advertising codes.

APPENDIX A: ADVERTISER RESPONSE IN FULL

Lactalis Australia Pty Ltd (Lactalis) respectfully submits that the out-of-home billboard advertisement (Billboard) for OAK does not breach Section 2 of the AANA Code of Ethics.

1. Campaign context and description of the advertisement

The billboard forms part of the OAK Winter campaign which has been running for three consecutive years, continuing the brand's long-standing irreverent tone, personality and playful approach to seasonal advertising. The creative features the tagline "FOAKn Cold As", incorporating the OAK brand name into a familiar Australian expression to emphasise the coldness of winter.

The advertisement prominently features a carton of OAK Chocolate Milk alongside the campaign tagline, set against OAK's distinctive brand asset. The creative encourages consumers to associate OAK with the winter season and reinforces the product's relevance during colder weather. This is the second consecutive year OAK has used the "FOAKn Cold As" tagline as part of its winter campaign.

Consistent with previous OAK campaigns, the billboard is designed to be humorous, tongue-in-cheek and reflective of the brand's irreverent tone. The creative is intended to resonate with an adult audience through the use of colloquial language and brand-led wordplay.

The creative only appears on weather-triggered digital billboards and is activated only when:

- the temperature falls below 7.5 degrees between the morning hours of 6am - 9am
- the temperature falls below 12 degrees in the early evening hours of 5pm - 8pm

Accordingly, the advertisement is displayed only during limited periods when the specified weather conditions are met.

2. Lactalis comprehensive comment in relation to the complaint

Lactalis rejects any suggestion that the Billboard breaches the following provisions of the AANA Advertising Code of Ethics (Ethics Code):

- 2.1 - Discrimination or vilification;
- 2.2 - Exploitative or degrading;
- 2.3 - Violence;
- 2.4 - Sex, sexuality and nudity;
- 2.6 - Health and safety;
- 2.7 - Distinguishable as advertising.

a. Language (Section 2.5)

Section 2.5 of the Ethics Code states:

"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."

The headline "FOAKn Cold As" is a playful example of brand-led wordplay that incorporates the OAK brand name into a common Australian colloquial expression referring to cold weather. The advertisement does not contain or depict any explicit profanity. Rather, the phrase is presented as a branded wordplay intended to communicate the winter theme of the campaign.

As a billboard is viewed briefly by passing motorists and pedestrians, a person viewing the billboard would perceive the OAK brand name as the central element of the headline. The OAK product carton is positioned within the headline itself, between the letter "F" and "N COLD AS", making the OAK brand name the most prominent element of the billboard.

The accompanying Practice Note to section 2.5 of the Ethics Code states that:

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

The phrase "FOAKn Cold As" is not an explicit profanity. Rather, it uses the OAK brand name as a substitute within a familiar expression and is presented in a light-hearted and humorous manner consistent with the OAK brand personality. Having regard to the audience, medium and overall context, the language used is appropriate in the circumstances.

This approach aligns with the precedent set in the Ad Standards Case Report for KFC (0351/18, August 2018), where a billboard advertisement for a food product that used the phrase "Cluck yeah" was found not to breach section 2.5. Similarly, in YouFoodz (0037-26, February 2026), the phrase "Pharrrrrrrrc" was also held not to breach section 2.5. In both cases, Ad Standards recognised the distinction between actual strong language and humorous wordplay to something that sounded like the 'f' word, but was not an actual 'f' word.

As in those cases, the OAK Billboard does not use strong or obscene language. Any perceived reference to stronger language is indirect, brand-integrated and presented in a humorous context.

3. Conclusion

Lactalis respectfully submits that the Billboard does not breach the AANA Advertising Code of Ethics. The advertisement uses a light-hearted and humorous play on words incorporating the OAK brand name, does not contain strong or obscene language, and is consistent with the guidance contained in the AANA Practice Note and prior Ad Standards decisions.

We respectfully request that the complaint be dismissed.