



## **CASE REPORT**

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| 1. Complaint reference number | 53/09                                    |
| 2. Advertiser                 | White Retail Group                       |
| 3. Product                    | Toiletries                               |
| 4. Type of advertisement      | Print                                    |
| 5. Nature of complaint        | Language – use of language – section 2.5 |
| 6. Date of determination      | Wednesday, 11 February 2009              |
| 7. DETERMINATION              | Dismissed                                |

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement from the Terry White Chemists for Christmas fragrance sale shows images of perfume bottles including brands such as Giorgio, Elizabeth Arden, FCUK, Britney Spears and Beckham. The prices and perfume names are displayed near each bottle. The company logo and shop details are at the bottom of the advertisement.

## **THE COMPLAINT**

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

The brand of the two items in the spread which I found offensive was FCUK. I am familiar with the brand for certain fashion items, and I think the brand name is bad enough in itself because it is close enough to the F word to be eye catching and it would appeal to young people, seeing it as being "out there". However, in respect of each of the two items, shown as images of two fragrance containers/bottles, the ad read "FCUK Him" and "FCUK Her". When is someone in authority going to put the brakes on this stuff. I am no wowser, I have been in the Defence Force for 30 years and a policeman and I'm not offended easily. But this sort of challenge to reasonable taste in a newspaper is just inappropriate. I don't want my teenage granddaughter having to look at that stuff if she is simply wanting to read an ad in the newspaper. Please do something about this ad.

## **THE ADVERTISER'S RESPONSE**

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

*The brand name of the product concerned is an abbreviation of "French Connection United Kingdom" with an abbreviation that has other connotations which may cause concern. Unfortunately we do not own the product and have no input into their marketing and merchandising strategy, however due to this concern being highlighted I will be considering whether to include this product in our future advertisements.*

*French Connection United Kingdom with a global franchise of clothing and fragrance is a popular and high demand product across the world, and in particular the Australian consumer, providing our Group with the opportunity to advertise (once) in our Christmas promotion. This fragrance is continually advertised throughout the media by means of glossy magazines and other retail businesses. I appreciate this concern being highlighted and have already forwarded on my recommendations to our Marketing group, to remove this brand from future advertising.*

## **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 about the advertisement's depiction of the product and the inclusion of the text FCUK Him and FCUK Her.

The Board noted that it has previously considered advertisements which depict this product and that in previous cases the Board had considered that most people knew “fcuk” as an abbreviation for French Connection, as this is a well known brand fashion brand name. The Board noted that the abbreviation 'fcuk' is not actually obscene language. The Board considered that it did not have authority to comment on the name of a product that is legal and is legally able to be sold.

The Board noted that this particular advertisement also contained the words FCUK Him and FCUK Her above the images of the product. The Board noted that these terms are a reference to the male and female branded versions of the product and were therefore relevant to the advertisement. The Board considered that although obviously meant to be a risque brand name, the advertisement did not contain any language that was strong or obscene. The Board found that the depiction did not contravene the provisions of the Code relating to language.

The Board considered that, apart from the name of the product, the advertisement did not contain any material that is in breach of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.