



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6262 9822 | Fax: (02) 6262 9833
www.adstandards.com.au

Case Report

1	Case Number	0033/11
2	Advertiser	Sydney Festival
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	09/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

Advertisement for Beck's Festival Bar which lists upcoming bands and dates on the left hand side.

On January 27 it says, "FBi Night: Holy F*ck & My Disco"

THE COMPLAINT

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

Publication of the "F" word especially in combination with a biblical term.

THE ADVERTISER'S RESPONSE

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

The advertisement was for musical entertainment to be performed late at night as part of Sydney Festival and was directed to an adult audience.

The advertisement factually conveys the name of the band listed to play at the Hyde Park Barracks on 27 January 2011. The language used, though subject to issues of prevailing community standards, is relevant to the advertised event and names the artists appearing. The language is neither adjectival nor used in any sense to shock or disturb readers of the advertisement.

Sydney Festival accepts that clause 2.5 of the AANA Code of Ethics provides that advertising or marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided. It is Sydney Festival's submission that the use of the language in this case is appropriate in the circumstances given that the language is the name of a well established band which has performed internationally and appeared at many of the world's festivals. The use of the language merely promotes the band's appearance at the Festival.

Sydney Festival concedes that in publications such as the Daily Telegraph there are grounds to argue that the band's name should be referred to by the judicious use of asterisks. This had been the case in previous advertisements in the Daily Telegraph. The incident complained of was an oversight.

The advertisement in the form complained of has been withdrawn and will not reappear.

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 concerns that the advertisement features inappropriate language.

The Board viewed 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 and strong or obscene language shall be avoided."

The Board noted that this advertisement is promoting a performance by a band named 'Holy Fuck'.

The Board noted the advertiser's response that the advertisement factually conveys the name of the band listed to play at the Hyde Park Barracks on 27 January 2011, and the advertisement in the particular media form complained of has been withdrawn and will not reappear.

The Board accepted that the word is part of the band's name but considered that the Board's role is to assess how a product is advertised and whether the manner of advertising is appropriate to the community.

The Board considered that the location of the advertisement within the Daily Telegraph meant it would be viewed by a mature audience and that in the context of promoting a music and artistic festival, the use of the factual title of the band in this instance was not inappropriate. The Board considered that the name of the band was not inappropriately emphasized or presented in a way to be particularly attractive to children.

Based on the above the Board determined that the advertisement did not use strong and obscene language which was not inappropriate and that it did not breach Section 2.5 of the Code.

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