



Case Report

1	Case Number	0087/13
2	Advertiser	Prince Bandroom
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

This is a weekly advertisement that appears in the Herald Sun. It lists all of the names of the bands that will perform at The Prince Bandroom as well as dates and the Bandroom's contact details. One of the bands is called "Fucked Up".

THE COMPLAINT

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

This is a family paper - surely we have standards that stop this level of blatant swearing? I am not offended, but I think it is wrong to do this in a family paper that kids can read.

THE ADVERTISER'S RESPONSE

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

Thank you for contacting us about a complaint your office received about an advertisement The Prince Bandroom ran in The Herald Sun on 31 January with a reference number of 0087/13.

The Prince Bandroom operates as an 18+ venue with the exception of very infrequent special events. To date, 2013 has seen zero underage events at the venue. As such, The Prince

Bandroom's target audience is 18+. While our advertisements are not intended for an under 18 audience, we still take the AANA Code for Advertising seriously and strive to abide by the guidelines set in that code.

During the week of 31 January, an American band called Fucked Up was announced to play at The Prince Bandroom. The band name appeared in The Prince's advertisement on 31 January. The band's name was not intended to be seen as blatant swearing or to offend anyone. The name was included in the advertisement as the symbol of the band to promote the event.

The Prince took further action to adhere to AANA Code for Advertising in the subsequent weeks after 31 January leading up to the event by further publishing the same advertisements with the band's name blocked out in symbols until after the 26 February event. Please see the files attached for further clarification.

If you would like further clarification please do not hesitate to contact me immediately. Thank you for your consideration and attention to this matter.

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, particularly where it can be viewed by children.

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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided."

The Board noted that this advertisement is promoting a performance by an American band named 'Fucked Up' and appeared in the Herald Sun Newspaper.

The Board noted the advertiser's response that the advertisement factually conveys the name of the band and that advertising for the subsequent weeks after that particular publication, the advertisement was adjusted to have the band's name blocked out in symbols to avoid any further offense being caused.

The Board accepted that the words are 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 entertainment section of the Herald Sun meant it would be viewed by a mature audience and that in the context of promoting a music event, the use of the factual title of the band in this instance was appropriate. The Board considered that the name of the band was not inappropriately emphasized or presented in a way to be particularly attractive to children.

The Board noted their previous decision to dismiss complaints regarding the advertising of a band named “Holy Fuck” appearing in the entertainment section of the Daily Telegraph in 2011 (ref 0033/11).

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.