



Case Report

1	Case Number	0106/17
2	Advertiser	Studiocanal
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/03/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is promoting the new movie, 'Gold' and features scenes including the main character using the phrase "God damn" on two occasions.

THE COMPLAINT

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

Twice during the ad there was very offensive language - the use of strong profanity - God Damn. My family found this offensive and unprofessional for advertising during a program viewed by a broad spectrum of our community.

THE ADVERTISER'S RESPONSE

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

The spot was seen at 10pm, had an J CAD classification and as such we don't believe breached any advertising standard codes.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement features offensive language which is not appropriate for a broad audience.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted that this television advertisement features scenes from the movie, ‘Gold’ including two instances where the main character uses the phrase, ‘God damn’.

The Board noted it had previously dismissed similar complaints about the use of the phrase, ‘Oh my God’ in case 0396/14 where:

“The Board considered that the term ‘Oh My God’ was a commonly used declaration generally used to indicate disbelief or surprise at a particular occurrence. The Board considered that in this advertisement, the use of ‘Oh My God’ was to highlight the surprise and delight at the incredible home being offered for sale. The Board agreed that the term could be considered offensive by some members of the community, and could be considered blasphemous for those of a Christian faith.

The Board considered that in the context of delight and surprise about the features of the home and the shed, the term “Oh My God” was not being used in a negative or demeaning way and did not discriminate against or vilify a person or section of the community on account of religion...”

The Board noted in the current advertisement the phrase, ‘God damn’ is used twice. The Board noted that this phrase is not an uncommon declaration of annoyance and considered that in the context of a line spoken by a Southern American actor in a promotion for an American movie the phrase is not being used in a manner which is negative or demeaning to those of a Christian faith but rather is used as part of a movie dialogue to highlight a character’s frustration.

Overall the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of religion.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board 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 the context of frustration in which the phrase ‘God damn’ is used in the advertisement and considered the tone is not aggressive, threatening or demeaning, and that although those with strong Christian beliefs may find the reference to God to be inappropriate, the use of this phrase in this context is very commonly used by both younger and older generations.

The Board considered that the phrase is not of itself strong or obscene and that the use of the term is not inappropriate in this instance.

The Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

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