



Case Report

1	Case Number	0139/17
2	Advertiser	T.U.B.E
3	Product	Food / Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	07/06/2017
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The statement that is at the top of the print proclaims 'tastier than salad, cheaper than salad F*CK salad'.

THE COMPLAINT

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

*The statement that is at the top of the print proclaims 'tastier than salad, cheaper than salad F*CK salad'.*

The swear word is offensive and unsuitable for a public advertisement particularly in a free magazine that many children and youth would read.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement includes text that is offensive and inappropriate for viewing by children.

The Board viewed the advertisement and noted the advertiser did not provide a response.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply.

The Board noted in particular Section 2.2 which states: ‘the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.’

The Board noted the print advertisement appeared in a magazine and is promoting a ‘buy one get one free’ offer. The promotion includes an image of a burger, the details of the offer and the text “Tastier than salad cheaper than salad F*ck Salad.” Following from this in smaller text in brackets reads ‘(though, if you really prefer salad we have that too oh, and wraps)’.

In relation to the Food Code the Board considered the use of the term ‘F*ck salad’ and whether this was undermining the importance of promotion of health balanced diets as per the clause above.

The Board noted that most members of the community would understand this statement to be an expression used to indicate little care for, or less interest in something in particular. In this case the reference is to salad.

The Board noted the whole statement “Tastier than salad cheaper than salad F*ck Salad” and considered that most reasonable members of the community would understand this statement to be suggesting that the burger is a better alternative to the salad. The Board considered that statement is intended to be light hearted and was not a suggestion that burgers should be consumed instead of salads on every occasion and noted that it was a direct link to the existing promotion. The Board also noted that the advertisement also does indicate that salad is available and is an alternative to the burgers.

The Board considered that the intention of the advertisement was to promote the particular deal in a humorous manner and considered that the statement was not undermining the promotion of health balanced diets and was not contrary to prevailing community standards and did not breach section 2.2 of the Food Code.

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 the complainant’s concern that the word F*ck is offensive and is unsuitable for a public advertisement.

The Board noted that it had recently upheld an advertisement for Anytime Fitness which used the same word in the context of getting fit - F*CK Unfit (0034/17). In that case the Board considered that “...many people still find references to the F word to be strong and obscene. The Board noted that the phrase, “F*CK UNFIT!” is very clear in each version of the advertisement and considered that most children would be able to read it and understand it, and in the Board’s view, many adults would find this phrase to be strong, obscene and not appropriate in the context of large posters inside a gym.”

The Board noted that the current advertisement appeared in a local magazine that is not directed to children but considered that children would have access to the magazine and therefore the broad audience would include children.

The Board noted that community standards research had shown that the word ‘fuck’ is still considered to be obscene by most members of the community, and that this was not appropriate to be used in advertising in a public medium.

Consistent with the above determination, the Board considered that in the current advertisement for the burger promotion, the language in the advertisement was likely to be considered strong or obscene by a adults and young people alike and that. The Board considered that the advertisement did include strong or obscene language and that it did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not provide a response to the Board's determination. The ASB will continue to work with the advertiser regarding compliance.