



Ad Standards Community Panel
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Advertising Standards Bureau Limited
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Case Report

1	Case Number	0144/19
2	Advertiser	Ovo Mobile
3	Product	Telecommunications
4	Type of Advertisement / media	Transport
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement has two versions, each featuring a man or woman with a surprised looks on their faces with a hot pink background and the text "A Telco that gives an F".

THE COMPLAINT

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

I observed a school bus belonging to Forest Coaches this morning outside a Public School bearing an ad with the prominent words "A telco that gives an F". (see images attached)I thought the ad inappropriate generally but more so when an entire class of 9 year olds are lined up waiting to get on for an excursion and facing it. Although the children are out of my picture, there were 30 of them in two lines facing the back of this bus.*

I believe both Ovo and Forest Coaches (a company I have long respected) should be ashamed.



THE ADVERTISER'S RESPONSE

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

We are currently running an outdoor campaign to create awareness in relation to the fact that we were a telco that really cares about our customers in that we are Fair, FansFirst, Flexible, Fast and Fun. This was on the back of us recently doubling the data allowance on all of our mobile plans, all for the same price, and making that available to new and existing customers (in that we automatically changed the data for the better for all our existing customers) - which we call FansFirst. It also links to our tag line "For the Fans".

We created a campaign that played on being a "Telco that gives an F" knowing that it was pushing the boundaries, but working very closely with JCD Decaux, the outdoor company running the advertising, to make sure the advertising was not offensive and complied with the OMA codes including paying close attention to:

- *The asterisk applied to the "F" was clear and large – it was also changed to a different colour to the surrounding text to make it stand out*
- *We ensured the size of the corresponding symbol and the inclusion of the F words we were referring to (Flexible, Fun, Fast, FansFirst) were therefore easily seen in the same view*
- *We ensured that there were only two symbols next to the F so that this did not correspond to a four-letter word and finally*
- *You will also note that grammatically we made sure it read "an F*?" and not "a F*?" to ensure the letter F or (eff) was said when the ad was read and not any other words starting with F.*

The campaign appeared outdoor (buses only) along the Eastern seaboard

Response to the complaint re OVO ad on the back of the bus that picked up school Children:

When the complainant let us know the ad was on a school excursion bus we were surprised as this was not our intended placement for the ad or audience – the product being advertised is not a child-focused product, being a mobile plan. We contacted JC Decaux and asked them to contact the Coach company and suggest they don't use the bus for school excursions or school routes. We heard no response back but did alert the customer that we had forwarded his concern to JC Decaux.

As described above, we worked closely with JCD Decaux to tailor our advertising to fit within the approval guidelines to enable us to post it. As such our advertising complied with the OMA standards and was approved to run accordingly.

Specific response in relation to AANA Code of Ethics:



2.1 Advertising or Marketing Communication shall not portray people 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.

- *This advertisement is in no way discriminatory against any person or section of the community.*

2.2 Advertising or Marketing Communication shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.

- *The images of the surprised people in our ads, were all deliberately chosen to be of adults that would be seen to be at least 25 years of age so as not to connect with minors.*
- *These included a 35-45 year old man and a 25-35 year old woman.*
- *They are both conservatively dressed*

2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

- *There is no violence portrayed in these ads*

2.4 Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

- *No nudity or sexual references are included in the ad*

2.5 Advertising or Marketing Communication 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.

- *Whilst we understand that this ad did push the boundaries there was no strong or obscene language used*

• *We worked closely with JC Decaux, the outdoor company running the advertising, to make sure the advertising was not offensive, nor would breach any codes including:*

- using an Asterix against the letter "F" ensuring it was clear and large – it was also changed to a different colour to the surrounding text to stand out - Increasing the size of the corresponding symbol and F words of "Flexible, Fast, Fun, FansFirst" we were referring to, so that they were easily seen in the same view- Ensuring that there were only two symbols in the f word so they did not correspond to a four letter word- Deliberately applying grammar such that we made sure it read "an F?" and not "a F*?" to make sure the letter F or (eff) was said when the ad was read and not a word starting with F*

2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.

- *There is no breach in relation to health and safety*



2.7 Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.

- The ad was specifically designed to appeal to an adult audience with appropriate images of older people (25-45) and clearly advertising as a telco.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features language which is inappropriate for display on a bus being used to transport schoolchildren.

The Panel viewed the advertisement and the noted advertiser's response.

The Panel noted that this transport advertisement has two versions, each featuring a man or woman with a surprised looks on their faces with a hot pink background and the text "A Telco that gives an F*".

The Panel 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 Panel noted the inclusion of the phrase "A Telco that gives an F*" in the advertisement and that this would be understood by most young adults to mean "A Telco that gives a fuck". However, the Panel noted the inclusion of the text "Flexible Fast Fun FansFirst", and considered that this would also be a reasonable interpretation of "an F*", particularly given the asterisk.

The Panel also noted the grammar in the advertisement in regard to the use of "an F" as opposed to "a F". The Panel considered that the use of "an" means that most members of the community would read the advertisement as "an F".

The Panel noted the Practice Note for Section 2.5 of the Code which provides:

"Words and acronyms that play on the 'f' word, eg WTF and LMFAO, but do not use the actual word are normally considered acceptable if used in a light-hearted and humorous way, are in subtitle rather than the spoken word and are appropriate to the situation."

The Panel noted that they had previously considered advertisements that used the terms 'WTF' (0372/17, 0500/17) and 'BCFing' (0023/17, 0573/16) and in these cases had determined that the language was not strong or obscene and did not breach



Section 2.5 of the Code.

Consistent with previous determinations, the Panel considered that the language used in the advertisement is not inappropriate, strong or obscene 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 Panel dismissed the complaint.

