



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0156-20
2. Advertiser :	VentralP Australia
3. Product :	Information Technology
4. Type of Advertisement/Media :	Internet
5. Date of Determination	13-May-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This advertisement is a blog post on the advertiser's website. Text states:

The Great Australian Domain Name Giveaway

On behalf of all Australians who have lost their loved ones, their businesses, their jobs, and their freedom, we say this...

Fuck COVID-19.

We're not trying to be offensive or provocative, we just wanted to express what many of us are currently thinking and feeling. This virus has been devastating but there is one thing that we will never lose – our great Aussie spirit.

It is this spirit that helps us get through anything; fire, floods, viruses, even toilet paper shortages or whatever happens next. When we are down, we reach out and help one another, and do whatever it takes to get through the battle of the day.

So as a proud 100% Aussie owned and operated business employing more than 60 locals full time, we wanted to do something meaningful that would help people get started online.

Bringing your existing business or your new idea online and in front of a global audience is now more important than ever before, and the first thing everybody needs to make that happen is a web address. Which is why we have decided to give away 10,000 Australian domain names FREE for a year.



Welcome to The Great Australian Domain Name Giveaway!

THE COMPLAINT

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

The wording and context is deeply offensive. It is public for the world audience to see.

Breach of Section 2 of the AANA Code of Ethics : "use of offensive language" FUCK

<https://ventraip.com.au/blog/promotions/the-great-australian-domain-name-giveaway/>

<https://www.crn.com.au/news/ventraip-to-give-away-10k-domain-names-546999>

THE ADVERTISER'S RESPONSE

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

Thank you for making us aware of this matter and thank you for what you do for the community.

Regarding the above mentioned complaint, I would like to raise some points regarding our most recent campaign that the complainant has deemed deeply offensive.

- 1. The campaign is quite clearly titled "The Great Australian Domain Name Giveaway".*
- 2. At no point was this campaign designed to be offensive. In context, our use of the word "fuck" represents a mood and feeling that is currently felt by many toward the COVID-19 virus and the impacts that it has had on our community.*
- 3. The word only appeared on our blog post, again in context, and did not appear on any advertisements.*
- 4. Any advertisement targeting was done to an adult audience only. We do not have minors as customers, and our average customer age is 32. We also only advertise and sell to Australian customers.*
- 5. The phrase "Fuck COVID-19" comes from a trending hashtag on social media platforms at the time which can be viewed by a global audience regardless of age.*
- 6. For external context, as reported by Pedestrian.TV and many other mainstream media outlets, "A young US pilot expressed his understandable Coronavirus-related frustrations in a very unique way on Tuesday, writing 'FUCK COVID-19' in the Maryland skies with his flight path." Source: <https://www.pedestrian.tv/coronavirus/us-pilot-flight-path-fuck-covid/>*
- 7. Comments on social media regarding our campaign were overwhelmingly positive, with posts being shared hundreds of times and several marketing agencies*



commenting on how they enjoyed the refreshing and good willed nature of our campaign during such a negative time.

As a proud 100% Australian owned and operated company we take pride in our advertising and do so to the highest possible standard. In our 12 years of operation we have conducted hundreds of different campaigns with various themes but have never had a single complaint raised.

It was never our intention to offend with our campaign and apologise if any was caused.

THE DETERMINATION

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

The Panel noted the complainants' concern that the language in the advertisement contains strong and offensive language.

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

The Panel noted the advertiser's response that the words 'fuck COVID-19' appeared only in a blog post and not in advertising.

The Panel noted that the definition of advertising in the Code is:
"any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, over which the advertiser or marketer has a reasonable degree of control, and that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct"

The Panel considered that the blog post was published on the advertiser's website and the content is within the control of the advertiser. The Panel also considered that the blog post was designed to draw the attention of the public in a manner calculated to promote their business and the domain giveaway promotion. The Panel considered that the blog post did meet this definition and was an advertisement.

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 that practice note for the Code provides: "The "f" and "c" words are generally not permitted. Non verbal representations of the "f" word are also not permitted."



The Panel noted the advertiser's response that the advertisement was presented to an adult audience only and was expressing a mood and feeling currently felt in the community about the COVID-19 pandemic.

A minority of the Panel considered that in the context of a promotion in a blog post on an advertiser's website, the use of the words 'fuck COVID-19' was reflecting a community sentiment in a context which is clearly explained and is not aggressive towards people.

The majority of the Panel considered that the use of the word 'fuck' was irrelevant to the context of the product and would be offensive to adults viewing a website relating to web hosting and domain names. The majority of the Panel noted the advertiser's reference to a trending hashtag #fuckcovid19, but considered that the words were not used in this context in the blog and therefore that context would not necessarily have been apparent to readers of the blog. The majority of the Panel considered that the word 'fuck' is not appropriate in the circumstances and did constitute strong and obscene language.

The Panel determined that the advertisement did breach Section 2.5 of the Code.

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

THE ADVERTISER'S RESPONSE TO DETERMINATION

Whilst we respectfully disagree with the panel's determination, we respect their opinion and thank them for the good work they do for the community.

However, before the determination had been made we had already changed the wording because, as we stated, we were simply attempting to capture a mood and trending hashtag at the time which has moved on.