



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0184/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Just Group Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/06/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

An in-store window promotion for Jay Jays featuring the headlines 'OMG' or 'OMFG' to advertise its end of season sale.

### THE COMPLAINT

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

*I find this offensive as a parent this is not language that needs to be explained to children. As a Christian and a follower of God I find this particularly offensive.. I can deal with the OMG although I don't like it but the addition of the F is offensively blasphemous and religiously insensitive.*

*I cannot believe that an abbreviated form of blasphemy and swearing is acceptable advertising. I as a Christian find it highly offensive - even the OMG. As a parent I cannot support a company that puts OMG and OMFG in front of my children's faces in a family friendly shopping centre. Abbreviated or not Jay jays has lowered their standards to an all new level.*

### THE ADVERTISER'S RESPONSE

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

*We refer to the above matters and your request for information about the Jay Jays advertisement in question. Your letters have been forwarded to me for response. For the sake of convenience, we propose to address both complaints in this letter. Using your headings, we take this opportunity to respond as follows:*

*By way of background, in 2012 Jay Jays ran an "OMG" promotion which was successfully received by our customers. This Promotion was significantly larger than the 2012 promotion and as a result, it needed a headline that conveyed this point to its target audience, hence the decision to use "OMFG".*

*We understand that concerns have been raised under section 2.5 of the AANA Advertiser Code of Ethics (the Code), which requires all advertising to use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium), with strong or obscene language to be avoided.*

*We have carefully considered these concerns in view of the requirements of the Code. We believe the Promotion meets the requirements of the Code, for the following reasons:*

*1. Jay Jays is a youth-oriented brand, with its core demographic being teenagers aged over 15 years and young adults. To be successful with this target market, it is crucial that advertising campaigns appeal to and resonate with their audience by grabbing their attention and talking 'their language'. Similar to other acronyms such as "LOL" and "ROFL", 'OMG' and 'OMFG' are already in widespread colloquial use among this market: by way of example, they are commonly used in SMS texts between friends such that they have now become part of the common vernacular.*

*2. The acronyms "OMG" and "OMFG" are commonly used to refer to something that is amazing, surprising, worthy of attention and of strong interest to others. The acronyms are not understood to refer to any religious or sexual aspect. In view of this commonly understood definition and use, the use of these acronyms is appropriate for use given the target audience.*

*3. The acronyms used in the Promotion have not been used in an aggressive or demeaning manner: instead they have been used in an irreverent manner consistent with prevailing community standards and common usage.*

*4. Whilst the acronyms 'OMG' and 'OMFG' have commonly understood meanings, they are not the only possible meanings. The use of acronyms cannot reasonably be considered to constitute strong or obscene language.*

*5. We note that some complaints relate to young children who may view the Promotion.*

*However, we submit that most members of the public would consider the acronyms to be not inappropriate and neither strong nor obscene. We note the Board has previously stated that 'some children who view the advertisement may ask parents what it means but that this is an issue that parents can choose to answer or to explain away' (see Case Reports 566/09; 533/09, 502109).*

*6. We note that the AANA 2012 Code of Ethics Practice Note (Practice Note) states 'The "f" word is generally not permitted, however words and acronyms that play on the "f" word, eg wtf, but do not use the actual word are normally considered acceptable'. We have not used the "f" word in this Promotion, but instead used the above acronyms, which is consistent with the Practice Note.*

*7. Finally, we note that the Board has previously determined similar complaints relating to the use of acronyms such as "WTF" and "OMFG" with each complaint dismissed. To this end, we refer the Board to Case Reports 0092/11 (Game Australia), 0331/11 (Kids Warehouse), 566/09 (Nova 106.9 FM), 533/09 (Nova 106.9 FM), 502/09 (Nova 106.9 FM) and 0158/12 (BMW Group Australia Ply Ltd). At no time did Jay Jays intend to cause any offence to any person: instead we considered the Promotion to be tongue-in-cheek and in gentle humour which would appeal to our customers.*

*Nevertheless, we are happy to keep these concerns in mind when designing future Jay Jays promotions.*

*In view of the above information, we respectfully request the Board dismiss these complaints.*

## **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 complainants' concerns that the advertisement features acronyms that are considered offensive language, disrespectful and derogatory reference of the Christian God and inappropriate language for display in a shopping centre. The Board noted the complainants concerns also that the terms are a concern to people who are offended by expletives and profanities.

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 the advertisement uses both the acronym OMG being an abbreviation for “oh my God” and the acronym OMFG being an abbreviation for “Oh my Fucking God”. The large, brightly coloured posters are displayed in store windows.

In this instance the Board considered the use of the two acronyms.

The Board first considered the use of the term OMG.

The Board accepted that the term ‘OMG’ was a commonly used acronym for the words “Oh My God”. The Board considered that generally, the use of this term, was to indicate disbelief or surprise at a particular occurrence. The Board considered that in this advertisement, the use of OMG was to highlight the surprise at the incredible savings being offered by the store.

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 noted that it had previously dismissed similar complaints about advertising on Pay TV where the abbreviations, OMG, OMFG, WTF and LMFAO were used (0158/12). The Board noted that in that case, the acronyms were shown only briefly on the screen, were not spoken and showed direct relevance to the situation that the characters in the advertisement found themselves in.

The Board noted that the context in which the phrase is used is not aggressive, threatening or demeaning, and that although the reference to “Oh my God” is not being used in the manner of which it was intended in the bible, the acronym is very commonly used by both younger and older generations 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 then considered the use of the term OMFG.

The Board agreed that this abbreviation is also commonly used to express even greater shock or surprise at a particular situation. In this instance, the advertisement uses the term to alert the shopper to the promotion of a significant sale and reduction in prices.

In the current poster advertisement for the Jay Jays store, the Board noted that the position of the posters in store windows meant that the advertisement would easily be viewed by a large audience that would likely include children.

The Board considered that there was no relevance to the use of this term to signify a sale when there are a multitude of other words that could be used for the same effect. The Board recognised that the target audience for the type of store is likely to be young adults and teenagers and that the term is likely to be one that they use frequently via txt messaging and other social media, however the Board considered that the very fact that people use the term

does not negate the fact that in particular the two words that are being abbreviated are actually “fucking God” and that the association of these words would be considered strong and obscene by many in the community.

The Board considered that there is a large portion of the community that would take offense to this term and that to refer to “oh my fucking god” is blasphemous and inappropriate in the circumstances (including for the relevant audience and medium).

The Board noted that OMFG is a common acronym for the target audience and probably used frequently. The Board noted that the term is used in a manner that is consistent with its colloquial usage and not threatening or hostile. However, because the term is so well known, the Board considered it is not subtle and that it is a clear reference to the term “Oh my Fucking God”.

The Board considered that most people would find these words when associated together as offensive and strong and certainly not appropriate in a prominent public location.

The Board considered that the advertisement did use strong and obscene language and that it did breach Section 2.5 of the Code.

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

#### **ADVERTISER RESPONSE TO DETERMINATION**

The campaign has now ended.