



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0188/12
2	Advertiser	Nova
3	Product	Entertainment
4	Type of Advertisement / media	Radio
5	Date of Determination	23/05/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for an upcoming gig at The Met Hotel, Brisbane, featuring Tom Piper and Daniel Farley at which they would perform their popular song “LGFU”. The lyrics of this song are played with the F word beeped out.

THE COMPLAINT

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

Inappropriate language in an inappropriate timeslot.

THE ADVERTISER’S RESPONSE

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

The Advertisement

The Advertisement is an irreverent tongue in cheek promotion for The Met Hotel, Brisbane and an upcoming gig for Tom Piper and Daniel Farley advertising that their song “LGFU”

would be performed at the gig with excerpts of the song “LGFU” being played in the background of the Advertisement.

We note that the complaint makes reference to the Advertisement being broadcast at an “inappropriate timeslot”.

Whilst we can understand and appreciate the complainant’s point of view in respect of the Advertisement, Nova 1069 does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation.

AANA Advertiser Code of Ethics

The complainant raised concerns with the phrase “Let’s get F—ed Up” being used in lyrics in of the song being played in the background of the Advertisement.

Upon further review of the Advertisement we believe that the excerpts of the song broadcast in the background of the Advertisement are more accurately described as follows; “Let’s get f--d up. Let’s get f--d up... Let’s get fa, fa, faaaaa”.

The complainant asserts that the final repetition of the phrase in the song broadcast in the background of the Advertisement is a known swear word and is inappropriate for the timeslot in which it was broadcast. Whilst we acknowledge that this final repetition of the song does sound very similar to a swear word and upon a brief listening could be interpreted as a known swear word, the Advertisement does not actually contain any swear words (or any other obscene terms).

At the outset it is important to note that Nova 1069 does not consider itself strictly bound by the Code. Nevertheless, as a matter of corporate policy and broadcasting practice, Nova 1069 uses its best endeavours to comply with the Code at all times.

Section 2.5 of the Code provides that:

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

Code 2.5

Nova 1069 acknowledges that the Advertisement used the term “Let’s get fa, fa, faaaaa” once during the Advertisement which may infer the connotation of a swear word.

However, the language used was not obscene. The inference is adult in nature and the tone of the Advertisement was light-hearted, not negative, aggressive or profane. Whilst we acknowledge that the use of the phrase may not be to everyone’s liking and is cheeky and irreverent, we do not believe that it breaches Code 2.5.

Nova 1069’s target and predominant audience is adults aged between 18-39, as confirmed by regular surveys conducted by AC Nielsen. Nova 1069 does not target children, or tailor its programming towards children.

Nova 1069 respectfully submits that the language used was appropriate for the intended and target audience and does not include anything which is obscene or offensive and does not employ language which would allow a small child to understand the connotation that may be conveyed within the Advertisement.

In light of the context in which the Advertisement was broadcast, Nova 1069 believes that the majority of its audience would regard the Advertisement as light-hearted and irreverent.

For these reasons, Nova 1069 strongly believes that the Advertisement does not breach clause 2.5 of the Code.

Notwithstanding this we do understand and appreciate the complainants concerns and we have taken their feedback on board and have revised the creative accordingly. We can also confirm that Nova 1069 does not intend to play the Advertisement in this form again.

Whilst Nova 1069 does not consider that the Advertisement raises issues under section 2 of the Code, Nova 1069 does value feedback on the Advertisement and intends to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.

We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.

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 complainant's concerns that the advertisement contains inappropriate language.

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

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 that this advertisement was heard on Nova and featured a song with the ‘f’ word blanked out followed by what sounds like the ‘f’ word said in full. The Board noted the advertiser’s response that the words, “let’s get fa, fa, faaaa” are used and not the ‘f’ word and considered that it sounds as though the ‘f’ word is being said.

The Board noted that the F word is a word that is still considered strong if not obscene by the broader community. The Board noted that it had recently upheld similar cases (0407/11, 0362/11, 0238/11, 0318/11) where the F word was used or heavily alluded to and considered that the use of the F word in this advertisement also amounts to strong or obscene language.

The Board considered that in this instance whether or not the ‘f’ word is actually used it sounds as if it is.

Based on the above the Board determined that the advertisement used strong and obscene language in a medium which is not appropriate and that it breached Section 2.5 of the Code.

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

ADVERTISER RESPONSE TO DETERMINATION

I can confirm that the advertisement the subject of complaint reference number 0188/12 will not be broadcast again on Nova 1069.

