



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0222-22</b>
<b>2. Advertiser :</b>	<b>MILKRUN AU Pty Ltd</b>
<b>3. Product :</b>	<b>Food/Bev Groceries</b>
<b>4. Type of Advertisement/Media :</b>	<b>Radio</b>
<b>5. Date of Determination</b>	<b>28-Sep-2022</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT

This audio advertisement is spoken by a woman who introduces herself as being from the podcast 'Do You Fucking Mind'. She speaks about the benefits of the delivery service.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*This podcast uses the F word in the ad for Milk run twice  
There is no warning + this is offensive  
Is it okay to broadcast this?*

### THE ADVERTISER'S RESPONSE

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

*Thank you for informing us (MILKRUN AU Pty Ltd (MILKRUN)) that a complaint was made to Ad Standards in relation to a MILKRUN sponsored advertisement that was played during the podcast BBC World Tonight on 11 August 2022 (the Podcast Advertisement).*



*The Podcast Advertisement was a partnership with a podcast titled "Do you F\*cking Mind" which can be streamed on Apple, Google, Spotify or RSS.*

*The use of the swear word in the advertisement was not used to describe MILKRUN, or its services, instead the swear word was used by the host of the "Do you F\*cking Mind" podcast when referencing the name of her own podcast. The transcript is set out in Annexure A to this letter and evidences this reference. We also enclose a digital recording of the advertisement.*

*We confirm that the Podcast Advertisement was only advertised in podcasts whose target demographic of listeners are adults and confirm that the Podcast Advertisement campaign ceased on 31 August 2022 .*

*We apologise for any offence caused however we respectfully suggest the complaint be directed to the producers of the "Do you F\*cking Mind" podcast as MILKRUN does not have any control over the dissemination of the podcast.*

*We confirm that MILKRUN will not be partnering with this podcast in the future and please take this letter as confirmation that the advertisement will not be re-broadcast or re-published at a later date.*

## **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 complainant's concern that the language is offensive.

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

**Section 2.5: Advertising 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 Practice Note for this section of the Code states:

*"The "f" and "c" words are generally viewed as harmful, unacceptable and not permitted. Nonverbal representations of the "f" word are also generally not permitted. Words and acronyms that play on the 'f' word, e.g. 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 spoken word and are appropriate to the situation. Advertisements which use the 'f' word in full will be seen to constitute strong and offensive language, even when the audience is restricted. Advertising which uses the 'f' word where it has been insufficiently censored so that it can be easily understood by*



*audiences, will be seen to constitute strong language, especially when seen by a broad audience.”*

The Panel noted the advertisement was played during a BBC news podcast and the relevant audience would likely be adults.

The Panel noted that ‘Do You Fucking Mind’ (DYFM) was the name of another podcast and the title was used by the woman as a way to introduce herself.

The Panel considered that the advertisement was not for the DYFM podcast, but for a grocery delivery service, and as such the use of the swearing was irrelevant and unnecessary. The Panel considered that the language could easily have been beeped out or have used the word “effing” without saying the f-word in full. Consistent with the advice in the practice note, the Panel considered that most people would find the use of f-word in full to be harmful and unacceptable. The Panel considered that the advertisement did contain strong language which was not appropriate in the context of advertising a grocery delivery service during a news podcast.

#### **Section 2.5 conclusion**

The Panel determined that the advertisement did contain strong or obscene language and did breach Section 2.5 of the Code.

#### **Conclusion**

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

#### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

In relation to case reference number 0222-22, we confirm that the advertisement was discontinued on 31 August and will not be broadcast again.