



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0228/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Essential Beauty Franchising</b>
<b>3</b>	<b>Product</b>	<b>Beauty Salon</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/07/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Animated TVC in the style of a story book. Title; the story of Mary Huff. A voiceover reads out the text of the story, "Mary was tick and sired of doing all the wit shork for her ugly sisters....Blan fuddy-tastic exclaimed Mary..." The advert finishes with the text, "Essential Beauty Franchising".

### THE COMPLAINT

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

*They have replaced swear words with incorrect spelling or mixed up spelling, which my children are still able to recognise as swear words, eg, blan fuddy- tastic, and wit shork. This is not the first time we have seen this ad and normally it is on earlier.*

*During the advert it is like someone is telling a story (fairy tale) and they twist the words around but in the end and a rocket scientist would not have to figure it out - they say something like "tan fluddy blastic" or something like that and anyone including my 6 year old great niece said they swore - they actually of course mean fan bloody tastic. They have done other ads similar to it with other swear words carefully rearranged but it is wrong and it should be taken off air!*

### THE ADVERTISER'S RESPONSE

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

*No offense was intended by the language used in the making of this ad and no obscene language swear words were used. The language of spoonerism has been applied to create fun, cut through and a point of difference.*

*In response to section 2 of the code, there is no discrimination on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. Nor is there any strong or offensive language used or sexual innuendo.*

## **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’ concern that the advertisement features inappropriate language.

The Board viewed the advertisements 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 and strong or obscene language shall be avoided”.

The Board noted the advertisement features the phrases, “wit shork” and “blan-fuddy-tastic” and that the complainant believes these words to be easily recognisable as “shit work” and “fan-bloody-tastic”.

The Board noted that it had previously dismissed a similar advertisement by the same advertiser (0042/11) where it noted that “the advertiser had swapped the first letters of some of the words, thus making them unintelligible if read individually... The Board considered that the original words, with the letters untouched, are offensive and crude, however the Board considered that as the changed words are not real words the language is not offensive or inappropriate.”

In this instance the Board considered that the original words, “shit” and “bloody” are words which are commonly used in the Australian vernacular and are not considered strong or obscene by most of the community. Consistent with the Board’s previous determination that words which are not real are less likely to be offensive or inappropriate and on the fact that the words alluded to are not generally considered to be strong or obscene, the Board considered that the language used in the advertisement is not inappropriate in the

circumstances.

The Board 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 Board dismissed the complaint.