



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0229-22
2. Advertiser :	MILKRUN AU Pty Ltd
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Internet
5. Date of Determination	12-Oct-2022
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This YouTube advertisement starts with a woman appearing to speak at a press conference, before revealing her microphone is a carrot and an avocado. She then speaks about the attributes of the organisation and how the ordering process works. She is shown to deliver to houses, with one occupant saying "fuck that was fast". She is then shown holding a baby, with the baby having her (adult) face and saying "I've just shat myself". She is shown in other scenarios such as working from home and sitting on the couch. The advertisement ends with an acknowledgement that the same actress played every part in the advertisement.

THE COMPLAINT

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

*Aggressive and blatant use of unacceptable language in age-unrestricted setting and time slot. Use of "f*ck that was fast!" and "I just sh*t myself"...*

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 YouTube advertisement on 23 September 2022 (the MILKRUN YouTube Advertisement).

In accordance with YouTube's advertising content guidelines, YouTube allows the 'occasional use of profanity' in advertisements that are broadcast on YouTube. YouTube specifically provides in its advertising guidelines (<https://support.google.com/youtube/answer/6162278?hl=en>) that:

- Moderate profanity (like "shit" or "bitch") can be used in the video; and*
- Infrequent usage of strong profanity (like the "f-word") is permitted up to twice in approximately the first 30 seconds of a video advertisement.*

The MILKRUN YouTube Advertisement only uses the f-word once in its 1min 30 second duration. The word 'shat' is also only used once in the 1min 30 second duration of the MILKRUN YouTube Advertisement.

We confirm that the MILKRUN YouTube Advertisement was not on the YouTube Kids channel.

We therefore respectfully submit that the MILKRUN YouTube Advertisement did not breach YouTube's advertising guidelines. We further submit that we do not believe that section 2.5 of the AANA Advertiser Code of Ethics has been breached because the language can be seen as appropriate in the circumstances due to it being in accordance with the YouTube advertising guidelines.

We apologise for any offence caused, it was not our intention in creating the MILKRUN YouTube Advertisement to upset or offend any audience members.

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 as a sponsored ad on YouTube. The Panel noted the advertiser’s response that the ad was not played on a kid’s YouTube channel, but considered that the audience would likely be broad and could include older children, teenagers and adults.

The Panel noted the advertiser’s response that the advertisement complied with YouTube advertising policies, however noted that advertisements directed to Australian audiences also need to comply with the AANA Code of Ethics.

The Panel noted that the word ‘shat’ was used in a humorous context and was consistent with everyday Australian vernacular. The Panel considered that this was not strong or obscene language and was not inappropriate for the broad audience.

The Panel then considered the use of the f-word. 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 still 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 on YouTube.

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

I confirm that MILKRUN has modified the advertisement by beeping out the ‘f word’.

