



Case Report

1	Case Number	0256/12
2	Advertiser	Hostage X Nightclub
3	Product	Entertainment
4	Type of Advertisement / media	Internet - social
5	Date of Determination	11/07/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

THE COMPLAINT

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

In the top left hand side it states the following...

"Cheap as F&^k Drinks!"

In bold capital lettering in a bright pink circle with attractive edges.

Coarse language doesn't need to be used to sell something and if my children were to see this or some persons that are more offended by it...

THE ADVERTISER'S RESPONSE

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

No response received from advertiser.

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 features inappropriate language that is offensive and unsuitable for children.

The Board viewed the advertisement and noted the advertiser did not provide a response.

The Board considered the definition of advertising or marketing communication. Under the Code, advertising and/or marketing communication means “any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and over which the advertiser or marketer has a reasonable degree of control, and that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct.”

The Board considered that the facebook site of the advertiser is a marketing communication tool over which the advertiser has a reasonable degree of control and could be considered to draw the attention of a segment of the public to a product in a manner calculated to promote or oppose directly or indirectly that product. The Board determined that the provisions of the Code apply to the content of the advertiser’s facebook page.

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 is promoting an event at the Hostage X Club in Wollongong on 16 June 2012”. In the top left corner, there is a pink spot that includes the text “Cheap as Fuck drinks”.

The Board noted that the use of the F word was intended to appeal or relate to a young crowd who would likely be attracted to this type of event. The Board noted that the phrase is used to draw the attention to the fact that the drinks at the event will be inexpensive.

The Board considered that the phrase used is language that is still considered strong if not obscene by the broader community.

The Board noted that this advertisement was seen on the facebook page for Hostage X, among members comments and further promotional information from the advertiser. The Board considered that the location of the advertisement meant it would be available to a wide audience and that in the context of the internet and social media the prominent use of such language is inappropriate.

Based on the above the Board determined that the advertisement used strong and obscene language which was not appropriate and that it did breach 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 have removed the posters from the clubs facebook pages as of 30 July 2012.