



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0280-19
2. Advertiser :	Youfoodz
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Sep-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman in her kitchen, talking about her previously unhealthy lunch habits while taking her fresh meals out of the fridge and putting one her handbag.

The woman says, "Oh look, the biggest thing for me was not having my lunches sorted. I was buying so much unhealthy take-out crap at work. You know, the soggy sandwich, the dried as a nun's nasty pasty, oh and that Chinese from the food court downstairs.

And then I was like: Pam, just try Youfoodz! Now, I have healthy meals all sorted by Youfoodz for \$9.95. Fresh lunches and dinners - what more could I want? Oh, maybe a bit of Mike. Magic Mike."

THE COMPLAINT

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

The description of a sandwich being 'dry as a nuns' was extremely offensive and needs to be removed



This term is INCREDIBLY offensive, crude, vulgar, derogatory to nuns and certainly not fit to be heard on commercial free-to-air television on a Sunday morning let alone at any time on a commercial ad.

I am far from being a prude however this language has no place on tv.

The script for the ad literally reads as follows;

"I was buying unhealthy takeout food crap at work you know, the soggy sandwich, the dried as a nun's nasty pasty..."

This is an inexplicably disgusting, inappropriate, and vulgar reference. It is beyond demeaning to a very humble, private, and dignified community of women in our society that deserve nothing but respect and reverence.

I think it is absolutely disgraceful that this has been allowed on our screens. I look forward to you removing the ad.

During the woman's monologue, she uses the term "dry as a nuns nasty" to describe previous poor food options/choices: 'pasti'.

This is a disgusting term and reference for any form of advertising and communication, especially during this timeslot before 8:30pm.

My wife is from overseas and found it incredibly offensive when I explained the meaning of the term. It is degrading to women of all ages. As an Australian male, I find it an embarrassment for an Australian TV commercial to use a woman to utter such a deplorable term on national TV in an attempt to be colloquial and funny by the advertiser.

We should be holding women in high esteem and the highest regard in our society and I believe that the content of this ad is strongly leading in the opposite direction.

Furthermore, a vulgar statement like that should have no place being aired before 8:30pm when there would be countless thousands of under 18 year olds watching. We need to lift the standard of what we want to see as the high watermark of moral values and standards in this country. This ad sadly pulls down this moral watermark.

THE ADVERTISER'S RESPONSE

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

In response to your notification of complaint(s) raising issues under Section 2 (namely Section 2.5) of the AANA Advertiser Code of Ethics, Youfoodz has considered all issues



highlighted in the complaints relating to Section 2 of the Code and does not agree that the advertisement has breached any aspect of Section 2 of the Code.

We have addressed all parts of Section 2 of the AANA Advertiser Code of Ethics below:

Section 2.1 - Discrimination or vilification: Not agreed. This advertisement does not discriminate against age, men, women, gender, religion, sexual preference or on the grounds of disability or mental illness, ethnicity, race or nationality, physical characteristics, lifestyle choices or occupation.

Section 2.2 - Exploitative and degrading: Not agreed. This advertisement does not feature content of or depict children, men or women in any way that is exploitative or degrading.

Section 2.3 – Violence: Not agreed. This advertisement does not feature violence, cruelty, bullying, graphic content or unacceptable behaviours.

Section 2.4 - Sex, sexuality and nudity: Not agreed. This advertisement does not feature sex, sexuality or nudity.

Section 2.5 – Language: Not agreed. This advertisement does not include any strong or obscene terms. The advertisement does feature the phrase “dried as a nun’s nasty pasty” in a light-hearted, tongue-in-cheek manner that is appropriate within the context of a kitchen and colloquial Australian language, and is not used in conjunction with offensive imagery or in an aggressive way.

Section 2.6 - Health and Safety: Not agreed. This advertisement does not include a depiction of drugs, smoking, drinking or gambling. Nor does it include bullying, unsafe driving, unsafe behaviour, fantastical elements, safety in the home, protective gear or any other health and safety issues.

Section 2.7 Distinguishable as advertising: Not agreed. It is clear to the relevant audience that the content is commercial in nature.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concern that that the advertisement includes offensive and vulgar language.

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

The Panel 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 Panel noted the complainants’ concern that that the advertisement includes the phrase ‘dry as a nun’s nasty’ which was offensive, crude, vulgar and unnecessary.



The Panel noted the advertiser's response that the term is appropriate in the context of a kitchen and colloquial Australian language and is not used in conjunction with offensive imagery or in an aggressive way.

The Panel noted that "dry as a nun's nasty" is an obscure colloquial phrase meaning very dry, and is an obscure reference to the practice of sexual abstinence by nuns.

The Panel considered that many members of the community would not be familiar with the phrase and would not understand its meaning. The Panel also considered that some people in the community would consider the reference to nuns as being offensive.

The Panel considered that the phrase is said by the woman when she turns her back on the audience and is not clearly enunciated. The Panel considered that the phrase was said in the context of a longer discussion about unappealing food.

The Panel considered that the phrase was not the focus of the advertisement, was not clearly enunciated and was used in the context of Australian colloquial slang.

The Panel noted the Practice Note for the Code which states "Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner). Examples are "bugger", "shit", "pissed off", "crap", "bloody", "cheap bastard", "bum", and "balls".

The Panel considered that the phrase in the advertisement was used in a manner consistent with common Australian vernacular and was not said in a demeaning or aggressive manner.

The Panel considered that the language used in the advertisement is not inappropriate, strong or obscene and 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 Panel dismissed the complaints.