



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0288/12</b>
<b>2</b>	<b>Advertiser</b>	<b>The Investors Club</b>
<b>3</b>	<b>Product</b>	<b>Real Estate</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/07/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.5 - Language      inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A large image of a hand with the middle finger extended is on the left of the billboard. The headline reads, "Stuff paying text" and the contact details are propertyclub.com.au.

### THE COMPLAINT

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

*There is a big hand giving the finger on the left of the billboard. It is 1/4 of the billboard. It is offensive that there is a big hand giving the finger. It is not G rated. I have kids in the car. Not a good billboard.*

*1. Ad is offensive i.e. the hand gesture pictured is universally recognised as an obscene sign meaning 'fuck you' or 'fuck off' as per Wikipedia and numerous other dictionaries.*

*2. Ad is located on a main road billboard and is clearly visible at all hours to all members of the public including minors.*

*A large picture of a raised middle finger (offensive gesture).*

### THE ADVERTISER'S RESPONSE

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

*This advertising billboard is simply a dig at paying tax - which we promote would rather put this money into property. There has been no radio cover. I have enclosed a digital copy of the billboard. The fist is outward not the normal 'bird' position.*

*Quoting Wikapedia '..in recent times, the gesture has gained increased acceptance and has been used increasingly by musical artists, athletes and politicians.... Many cultures use similar gestures to display their disrespect..*

*In addition the billboard clearly shows the word 'stuff' not the word 'fuck'.*

## **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 uses an inappropriate and offensive gesture that is unsuitable for viewing by children.

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

The Board then 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 considered that hand signs and gestures fall within the definition of language, under section 2.5 of the Code.

The Board noted that the billboard includes an image of a big hand giving ‘the finger’ on the left of the billboard and includes the text “stuff paying tax”.

The Board noted the advertiser’s response that the image of the fist is reversed and that the promotion is a dig at paying tax.

The Board considered that although specific words are not used to express distaste for paying tax, there is an image, that is a universally recognised gesture meaning ‘fuck you’ or ‘fuck off’.

The Board noted that the words “stuff paying tax” are used as opposed to stronger language. The Board considered that the use of an image that includes an extended middle finger is understood by the broad community to be offensive and in the Board’s view amounts to strong or obscene language.

The Board discussed the findings of recent research conducted by the Advertising Standards Bureau around testing of Board decisions against broader community views and noted that the research indicated that the community is very concerned about matters around language, particularly where children may hear or view that language. The Board noted that the advertisement was displayed on a billboard that could be easily viewed by children and that the gesture could easily be mimicked by children. The Board considered that the depiction of the extended middle finger was inappropriate, particularly on a billboard that is able to be seen by a broad section of the community including children.

The Board considered that the advertisement did use strong or obscene language and that it did breach Section 2.5 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

We never meant to offend anyone and there are far more offensive billboards around! But we have taken note and removed this sign and put up a congratulatory thumb instead.