



**ADVERTISING  
STANDARDS  
BOARD**

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# Case Report

<b>1</b>	<b>Case Number</b>	<b>0325/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Aqua Cleanse Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/07/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement is on the corner of St Kilda Rd and Carlisle St, St Kilda, and reads as follows: "It's ok to lose your sh\*t sometimes because if you don't you'll end up full of sh\*t" AquaHealth 1300-802-083.

## THE COMPLAINT

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

*I find this billboard highly offensive and totally repulsive with its close proximity to schools, there are hundreds of children a day being exposed to such a repulsive message with offensive language which I feel is unacceptable.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for alerting me to this objection. It certainly wasn't our intention to offend – although I suppose it's hard to predict what some people will take offense at.*

*Obviously, our poster was designed to employ a cheeky sense of humour to get its point across. (We're a colonic irrigation clinic, and I would have thought there should be an opportunity to use a little humour to highlight the nature of our service.)*

*We haven't used any profane, offensive language. I thought we tiptoed around the subject quite artfully!*

*And, there are plenty of precedents for this kind of humour.*

*The fashion brand "FCUK" springs to mind. Much more specific than our poster. It was used widely, and still is.*

*There are many similar examples I could quote, and I'd be happy to get some together if you think it's required.*

## **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 which is not appropriate for public display.

The Board reviewed the advertisement 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that this billboard advertisement is for a colonic irrigation service. The billboard reads "It's ok to lose your sh\*t sometimes because if you don't, you'll end up full of sh\*t." Aqua Health 1300 802 083

The Board noted the complainant's concern about the use of offensive language and the medium in which it was displayed being near a school. The Board viewed the advertisement and noted that there was reference to the word 'shit' but that the "i" had been replaced with an asterisk. The Board noted that the word was clearly identifiable as the word "shit" even with the asterisk.

The Board noted the Macquarie dictionary definition includes; miscellaneous matter or items generally. The Board noted that the phrase 'lose your shit' is a common phrase used in Australia to mean to misplace or lose items. The Board noted that in the context of the advertised product, 'lose your shit' is referring to faecal matter.

The Board then considered the use of the phrase, “full of shit.” The Board noted that this phrase is also a common phrase used colloquially in Australia to mean someone is full of rubbish or untruths. The Board noted that in the context of the advertised service, the purpose is to undergo colonic irrigation in order to flush the colon therefore cleaning out waste products.

The Board noted that it had previously considered an advertisement for Grill’d where the use of the word shit was used in a poster (0158/16). In this case the Board noted that “the word, ‘shit’ has no relevance to the advertised product other than the highlighted letters are contained within the word, ‘schnitzel’. The Board noted that the letters within the word schnitzel have been made to deliberately stand out and spell the word, ‘SHIT’ and considered that when viewed from a distance it is only the word, ‘SHIT’ which can be easily read. The Board acknowledged that the word, ‘shit’ is part of the common Australian vernacular and most people would not find the word to be strong or obscene. The Board noted however that the use of the word, ‘SHIT’ in this instance has no relevance to the advertised product and considered that its prominent display within areas popular with families amounts to a depiction of language which is not appropriate in the circumstances.”

In the current case the Board noted that the double entendre used in this advertisement would be understood by most members of the community. The Board noted that the overall tone of the advertisement is designed to be a funny play on words and appeal to a target audience of adults who may be considering colonic irrigation.

In the Board’s view the actual meaning of the words themselves are relevant to the service advertised, however in the Board’s view the phrases “full of shit and “lose your shit” have, a mildly aggressive reference and that in the context of a billboard for colon health the advertisement is not appropriate in this context particularly on a billboard that would be visible to a broad audience including children.

The Board considered that the advertisement did use inappropriate language and determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach section 2.5 of the Code, the Board upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

It is my intent to replace the letters “sh\*t” with an emoji. The emoji is in everyone’s phone and is very commonly used.