



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0329/18</b>
2	<b>Advertiser</b>	<b>Chatime</b>
3	<b>Product</b>	<b>Food and Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>Billboard</b>
5	<b>Date of Determination</b>	<b>25/07/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features an orange background with an image of a paper cup with "Cha time" on it and the text "BLOW ME I'M A hot-tea". A banner stating "Proceed With Caution" is above the word blow.

## THE COMPLAINT

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

*The suggestion of oral sex on a billboard that will be seen by people of all ages.*

## THE ADVERTISER'S RESPONSE

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

*Chatime is currently recognised as the home of 'freshly brewed iced tea', but general*





*awareness that we do a range of hot tea over the winter months is very low. The objective of our creative in complaint was to drive awareness of our hot drink range over the key winter trading months. Hence why the creative is suggesting to 'proceed with caution' when sipping our winter hot drinks.*

*We are proud of our new Winter Campaign and we knew it might cause a bit of a stir. It is a like our brand – fun and cheeky.*

*The campaign was created to grab people's attention and give them something to smile about. In these tense and uptight times, we feel a good laugh, like our drinks, makes a world of difference.*

*The placement of the ad was very selective to ensure we appeal to an adult audience, ensuring there was no placement near or around schools.*

*Our media agency checked with our Outdoor partners regarding the Chatime creative. Please see response below:*

- QMS & APN have said it's okay to run.*
- OOH have given it the all clear but there is a good chance of complaints.*
- Adshel will allow it to run but they will notify and seek approval from the councils if we are to book with them*
- JCDecaux: Should be fine for street furniture*

*This is the formal response from OOH/Adshel from Advertising Standards.*

*- Ad Standards considered this a 'complex case' and so it took longer to assess than normal. "The good news is, that their findings are: "In the current advertisement the phrase 'blow me' may attract complaints from members of the public who may believe this is inappropriate language for an advertisement which is likely to be seen by children. However we believe, based on previous decisions made by the Panel, the image and content of the advertising and marketing communication as submitted in this request, is unlikely to be found to breach any section of the Code."*

*The copy with the definite image of the hot steamy cup is in no way sexual and whilst the opinion of the claimant, we find it a direct instructional link to cooling any hot drink or food item.*

## **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 advertisement features



sexualised language which is not appropriate for a broad audience which would include children.

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

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainant's concern that the advertisement contains a suggestion of oral sex which is inappropriate for a medium which would be viewed by people of all ages.

The Panel noted this billboard featured an image of a paper cup with the wording 'BLOW ME I'm a hot-tea'.

The Panel considered that the advertisement includes the double entendre of 'blow me' however considered that there is a clear explanation of blowing on a hot drink provided in the imagery of the advertisement.

The Panel noted that in earlier determinations, advertisements which use double entendre, where a non-sexualised explanation of the meaning would be taken away by children, would be likely to treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted they had considered a similar issue in case 0047/18 for a television advertisement which repeatedly used the phrase 'do it', in which:

"The Panel noted the complainants' had viewed the advertisement during the day and on Prime-time television and considered that the relevant audience for this advertisement was broad and would include children. The Panel considered that the advertisement was clearly intended to be sexual innuendo and that most adults would recognise the language in this advertisement to be sexual innuendo. The Panel considered that the reference to 'do it' in the advertisement is resolved as consuming the food product and there is no sexual activity or depictions in the advertisement. The Panel considered while the innuendo may be understood by some children, young children would not understand the innuendo and while the advertisement may initially be confusing the message of the advertisement would become clear when the product was revealed at the end. The Panel considered that while some might consider the advertisement to be in poor taste the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience."

In the current advertisement the Panel considered that the sexualised meaning of the phrase 'blow me' would be understood by adults to be an innuendo to oral sex,



however considered that the most likely explanation of the advertisement for young children would be to blow on the tea because it is hot.

The Panel considered that the language used in the advertisement is product relevant and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which is unlikely to include a significant child audience.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

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 considered the phrase ‘blow me I’m a hot-tea’ does contain double entendre. The Panel considered the term ‘blow’ can have many meanings, including an exclamation of surprise as in, ‘blow me down’, or as in blowing on a hot drink to cool it down.

The Panel noted they had considered a similar issue in case 0140/13 which included the phrase ‘go and get sucked’, in this case:

“The Board noted that in this case it is being used in the context of the products being advertised which are a drink product (smoothie), consumed with a straw and therefore requiring the purchaser to “suck.” The Board noted that the use of the phrase “go and get sucked’ is intended to draw the attention of the listener to the promotion, and the idea that the advertisement may have used as similar but more strongly worded term “go and get fucked.” The Board considered that the word suck is clearly heard and that there is no confusion about what was said. The Board considered that children would be unlikely to understand the possible double entendre and considered that the phrase ‘go and get sucked’ is not of itself strong or obscene language. The Board considered that the advertisement did not feature language which is inappropriate in the circumstance and that the advertisement did not breach Section 2.5 of the Code.”

In the current advertisement the Panel considered that the words ‘blow me’ are clearly given the context of blowing on a hot tea, and that young children would be unlikely to understand the possible double entendre.

The Panel considered that the phrase ‘blow me I’m a hot-tea’ does not constitute strong or obscene language and that the language was not inappropriate for the relevant audience which is likely to include children. The Panel 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 complaint.

