



## Case Report

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|----------|--------------------------------------|-------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0330/17</b>    |
| <b>2</b> | <b>Advertiser</b>                    | <b>Cotton On</b>  |
| <b>3</b> | <b>Product</b>                       | <b>Retail</b>     |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Email</b>      |
| <b>5</b> | <b>Date of Determination</b>         | <b>09/08/2017</b> |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>  |

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

This email advertisement from Typo contained an image of a jar with a sticker on it that featured the wording “Shit I’m Saving For” to promote saving to purchase travel accessories.

### THE COMPLAINT

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

*Inappropriate Language on the Jar!!!*

*Emails were sent to my Young Daughter and Wife.*

*(Please note I have also contacted the company involved. No response as yet)*

*Email is similar to the Browser Link below -*

*<http://view.s7.exacttarget.com/?qs=b1f52e1b7fb666f3068c4c214765a4cd3eb5c2dd0872b6283d05e634613d7b09d09f9d267725eade65d9b0129515ab15dd092c637d01122b83c033ac68e620de9c428e2f75801c03>*

### THE ADVERTISER’S RESPONSE

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

*We refer to the complaint lodged with the Advertising Standards Bureau on 5 July 2017 regarding a recent Typo promotional email sent to our electronic marketing database (“Typo*

*Email”).*

*The Typo Email is alleged to be in breach of Section 2.5 of the Code. Section 2.5 requires advertising to use language which is appropriate and to avoid strong or obscene language.*

*The Typo Email contained an image of a jar with a sticker on it that contained the wording “Shit I’m Saving For” to promote saving to purchase travel accessories.*

*Typo's demographic targeted customer is aged 18-35. While it is definitely not our intention to offend any of our customers, Typo is a fun and quirky brand with a wide range of products to capture various types of humour. Our slogans are intended to be fun, in jest, and perhaps a little cheeky. It appears the complainant’s wife and daughter know and love our product, because they willingly signed up to receive our marketing material.*

*In any event, we do not consider there is any strong or obscene language in the Typo Email.*

## **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 featured inappropriate language.

The Board viewed 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 email advertisement was sent to subscribers and featured an image of a glass jar with coins inside and the label on the jar reads: “shit I’m saving for.” The text on the side of the image included information about the offer. “Need and excuse to get away? – 25% off travel goods.”

The Board noted it had dismissed a matter promoting an education course (Epoch Australia 0036/10) where the phrase “get your shit together” was used to promote the self-help course. In that case the Board noted

“...the concern about the use of poor language and the medium in which it was broadcast. The Board noted that the phrase 'get your shit together' is a common phrase now used in Australia. The Board considered that it was used in the relevant context of a self development course. The Board recognised that some members of the community would find the phrase inappropriate, but considered that the advertisement contained language that most members of the community would not consider strong or obscene and not inappropriate for the service being advertised.”

The Board noted that the email promotion was sent to subscribers of the brand TYPO. The Board noted that the store is well known for selling and promoting products that include language of this nature and noted the advertiser's response that the target customer is aged 18-35 years. The Board noted that members of the community younger than this will access the store and considered that similar to the case mentioned above the medium used was a targeted subscriber list and that in the context of this particular brand, the use of the word 'shit' was not language that was considered strong or obscene and not inappropriate for the product being advertised.

The Board considered that the advertisement did not use strong or obscene language 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 Board dismissed the complaint.