



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0337/18
2	Advertiser	Cotton On
3	Product	Retail
4	Type of Advertisement / media	Email
5	Date of Determination	22/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

This email advertisement reads " The Fucking Huge Sale up to 50% off". The "uc" in "fucking" is covered by a "Censored by Typo" emblem that looks like a sticker.

THE COMPLAINT

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

The email received is offensive, rude, disrespectful, unacceptable. The store targets children as customers and this line of advertising is disgusting.

The poster has been censored, the email they sent out has not.

I would be happy to provide copy.

*The language used in the email was highly offensive and not welcome in my inbox
By putting a sticker over the letter 'u' it does not hide the swear word at all . This is the same tactic they use in their stores and every time I go to the Joondalup store there are several stickers missing for my kids to see . Not happy*



THE ADVERTISER'S RESPONSE

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

Re: Complaint reference number: 0337/18 – Cotton On

We refer to the complaints lodged with the Advertising Standards Bureau on 19 July 2018 regarding a recent Typo promotional email ("Typo Email"). A copy of the Typo Email has been included for ease of reference.

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 writing which said "The F"ensored by Typo"king Huge Sale". The "u" and the "c" in the second word, being hidden by what is to look like a sticker. No actual profanity or swear word is shown on the Typo Email.

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 complainants' 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.

ADDITIONAL RESPONSE:

In terms of email, our database is made up of predominantly customers within our target age range. Breakdown below:

13-17 = 4.22%

18-21 = 20.82%

22-29 = 22.30%

30-39 = 21.82%

40-49 = 17.72%

50+ = 5.09%

Unspecified = 8.02%

Typo median age is 29 y/o.

Our internal Ethics Committee also approved swearing online and in emails as the



customer chooses to visit our website and/or subscribe to our mailing list.

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 concerns that the advertisement uses offensive language and is inappropriate to be seen by children.

The Panel viewed the advertisement and noted the 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 that this email advertisement reads “The Fucking Huge Sale”. The “uc” in “fucking” is covered by a “Censored by Typo” emblem that looks like a sticker.

The Panel noted the complainant’s concern that the language is offensive and inappropriate for a child to view.

The Panel noted the advertiser’s response that no actual profanity is used in the advertisement. The Panel noted that the word ‘fuck’ was partially obscured however considered that people would still be easily able to understand what was written.

The Panel noted it had previously upheld this advertisement in poster format in case 0334/18 in which:

“The Panel considered the advertiser’s response that the target audience was people aged 18-35. The Panel considered that although that age range is the target demographic, this poster is displayed in front windows of stores and the actual audience is broad and includes children.

The Panel also noted its community standards research (https://adstandards.com.au/sites/default/files/2017_community_perceptions_web.pdf) which supported the Panel’s view that, particularly in public areas and areas where children can see the material, the community view is that this term is strong or obscene language and is not appropriate to be used in advertising in a public medium.”

The Panel noted that use of the word “fuck” in written format was generally not acceptable, but considered that in this instance, the advertiser provided information



that the audience is primarily adult and that people have to opt in to receive the email. The Panel also considered that the depiction of a censor sticker lessens the impact of the word, and noted that it is not unreasonable to expect content of this type, given the store and its products.

The Panel considered that the language used in the advertisement is not inappropriate for a broad audience which may include children 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.

