



Case Report

1	Case Number	0353/17
2	Advertiser	Burger Biz
3	Product	Food / Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	09/08/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

This advertisement on the advertiser's Facebook page features an image of a burger with the text, "This weeks [sic] special. Tha McKlucka Muthafuka".

THE COMPLAINT

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

It's extremely offensive language to be displaying in store and on social media.

THE ADVERTISER'S RESPONSE

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

The advertising was minimal and restricted to our Facebook site and instore only.

There was no intention to offend in the name of this burger.

Seriously it's just a burger. No full language was used it was shortened to be a play on words.

2 cases I would refer you to that we played the word off is the movie meet the fockers and the recent Northern Territory advertising campaign which was broadcast internationally and locally in tv that had the slogan CU in the NT

I find both those large campaigns more nationally offensive than a small funky burger business tucked away in the nsw snowy mountains.

I had the minister for small business Mr John Bariolo for nsw who saw the specials board and didn't seem to see a problem with some light play on words.

We have since changed the menu board instore.

We are happy to name change our Facebook site to bleep any reference of fuka

*Will the board be ok with f**a*

I hope this clears up what seems to me a trivial complaint.

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 includes text that is highly offensive and inappropriate.

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 noted that the facebook advertisement featured a post from Burger Biz Jindabyne with an image of a burger and the text “this week’s special – Tha Mcklucka Muthafuka – deep fried chicken.”

The Board noted the complainant’s concern that the title of the burger itself is offensive and is unsuitable for a public advertisement.

The Board noted that it had recently upheld an advertisement for Anytime Fitness which used the word f*ck in the context of getting fit - F*CK Unfit (0034/17). In that case the Board considered that “...many people still find references to the F word to be strong and obscene. The Board noted that the phrase, “F*CK UNFIT!” is very clear in each version of the advertisement and considered that most children would be able to read it and understand it, and in the Board’s view, many adults would find this phrase to be strong, obscene and not appropriate in the context of large posters inside a gym.”

The Board noted that in the current advertisement the burger title is written in a 'gangster' tone and that although the word 'fuck' is not used the Urban Dictionary's definition of 'Muthafuka' is that it is further slang of the word 'Motherfucker' and in the Board's view this slang word would be recognisable in this manner.

The Board noted that the current advertisement appeared on Facebook which is not directed to children but considered that children would still have access to Facebook. The Board considered that the language used in the advertisement is easily understood and in the Board's view, many adults would find this phrase or use of words to be strong, obscene and not appropriate in the context of a Facebook post for a burger place.

The Board noted that community standards research had shown that the word 'fuck' is still considered to be obscene by most members of the community, and that this was not appropriate to be used in advertising in a public medium.

Consistent with the above determination, the Board considered that in the current advertisement for the burger promotion, the language in the advertisement was likely to be considered strong or obscene by adults and young people alike. The Board considered that the advertisement did include strong or obscene language and that it 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

The advertiser advised that the advertisement has been taken down.