



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0360/13</b>
<b>2</b>	<b>Advertiser</b>	<b>booking.com</b>
<b>3</b>	<b>Product</b>	<b>Travel</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/10/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

There are four advertisements which may be relevant, entitled Booking Yeah, Booking Joy, Booking Genius and Booking Right.

The Booking Yeah TVC is an edited compilation of the other three Booking.com advertisements. It shows scenes of a family, a group of friends, a businessman and couple in various travelling scenarios. At the beginning of the TVC, each group arrives at their respective holiday accommodations with trepidation and anxiety, because they do not know what to expect about the quality of the accommodation. The TVC then depicts expressions of each traveller as they become elated and satisfied about their choice of accommodation and as they excitedly enjoy the various views and facilities of their respective accommodations. The Booking Joy TVC shows two women screaming and jumping around in excitement after the door to their accommodation is opened.

The Booking Genius TVC shows a couple travelling in a car towards their accommodation through tough territory. The narrator explains that the holiday was planned by the man and describes the woman's doubtfulness about the holiday until she sees their accommodation.

They both become elated and excited about their holiday upon seeing their accommodation.

The Booking Right TVC shows a family unhappily walking down the corridor of a hotel because one child is sick, another left his shoes on the plane and a third child is not enjoying the holiday. Their expressions change to those of excitement and elation after they enter the hotel room to a wonderful view.

### THE COMPLAINT

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

*This ad takes the term and connotation to the extreme to emphasise the product on show and is in the Prime viewing time when venerable young children could or/and are watching, thus suggesting that the terminology used in the ad is an acceptable language behaviour.*

*I believe this ad exceeds its boundaries as per the acts covering such advertising and suggest to younger Australians that it is actually acceptable to use such foul language, as expressed in the induction of the ad, in all terms of verbal expression.*

*In the day an age where the Australian language has been "Bastardise" beyond levels of reasonable acceptance, why do we allow advertising and companies behind such ads try and push these colloquial styles of the English language out to people and acceptable norm ..... When in fact it is a disgrace to Australians and the English language in general I know that this is the company name but the word is used in place of an offensive crude word used for the sexual act. This ad is run across other channels and at various times during the evening viewing.*

## **THE ADVERTISER'S RESPONSE**

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

*Booking.com takes complaints about its advertising seriously and considers itself a responsible advertiser.*

*We note that your most recent letter of 8 October 2013 states that, due to the nature of the complaints, the Board will review the advertisement against the AANA Environmental Claims in Advertising and Marketing Code ("Environmental Code"). However, the letter of 4 October 2013 refers only to the Section 2 of the AANA Advertiser Code of Ethics ("Code of Ethics").*

*As all the three complaints received by the ASB were raised under section 2.5 of the Code of Ethics, we assume that you have referred to the Environmental Code in error in your letter of 8 October 2013, however we nevertheless address the Environmental Code below.*

*Booking.com denies any breach of the Environmental Code. In particular, none of the Booking.com Booking Yeah, Booking Joy, Booking Genius or Booking Right TVCs ("TVCs") make environmental claims. Whilst the TVCs depict various locations, places and areas within the TVCs, no representations have been made that indicates or suggests that any element of Booking.com's services interacts with the environment. As such, no environmental claims have been made in accordance with the Environmental Code.*

*We also note that the AANA Code For Advertising & Marketing Communications to Children ("Children's Code") applies only to "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for [goods, services and/or facilities which are targeted toward and have principal appeal to Children]". As such, we submit that the Children's Code is not applicable to these TVCs on the basis that online reservation services for booking accommodation are not services with a principal appeal to children 14 years old or younger.*

*In respect of the Code of Ethics, the only provision of section 2 which appears to have any*

*potential application to the TVCs with regard to the complainants' comments is section 2.5 (which we maintain is not breached by the TVCs). This section states that:*

*2.5 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.*

*As indicated above, and for the reasons discussed below, the TVCs do not breach the above section as, in our submission, no inappropriate, strong or obscene language has been used in any of the TVCs.*

*The TVCs are light-hearted and relatable advertisements describing various travelling situations which are commonly experienced by consumers, namely the anxiety experienced by travellers resulting from uncertainty as to whether the accommodation they have booked is of the expected quality. As exemplified by the Booking Yeah TVC, many travellers spend a significant time planning a trip and in most cases will not know much about the accommodation until they arrive. The TVC therefore humorously depicts the travellers' exaggerated emotions of elation and excitement which arise once they realise that they "got it right".*

*Whilst we acknowledge that the word "booking" is a play on words, the use of the word "booking" is intended, and would be understood by a reasonable person, as a brand identifier and not a swear word. This is particularly the case given that the word "booking" the main element of the company's name, being Booking.com. The primary reason for repeating the word "booking" throughout the TVCs is to reinforce brand recognition and association in respect of the word "booking".*

*We note that no actual swear words or any other strong or obscene language has been used in the TVC. There is no ambiguity in the TVC, in that the word "booking" is clearly and deliberately used, as opposed to another word. The word "booking" itself is not an offensive word. It is a word that is directly relevant to the company's name and business, Booking.com, which is an online service for reserving accommodation around the world. At all times, the word "booking" is used in a positive tone which conveys enthusiasm and joy, rather than any negative and derogatory tones often associated with swear words.*

*We note that prior to airing the TVC, Commercial Advice ("CAD") reviewed and classified the TVC according to the Commercial Television Industry Code of Practice and the TVC was aired in the time slots for advertisements of that classification are permitted.*

*We also note that there have been a number of similar determinations before the ASB where swearwords have been replaced by puns or censorship beeps, including 0486/11 (in relation to the phrase "Firkin Hell") and 0433/11 (in relation to the phrase "F-Load") and 0016/11 (in relation to un F-\*beeping\* believable). In each of these cases, the complaint was dismissed having regard to the light hearted tone of the advertisements. We submit that this is a similar case and should also be dismissed.*

## **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 complainants' concerns that the advertisement features language which

is offensive and inappropriate.

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 and strong or obscene language shall be avoided".

The Board noted that this advertisement for booking.com feature the use of the word 'booking' as an adjective. The Board noted the complainants' concerns that the use of the word 'booking' as an adjective is suggesting of the word 'fucking' and that this is offensive and inappropriate.

The Board noted that the word 'booking' is not of itself an offensive or inappropriate word and considered that whilst its use throughout the advertisement could be interpreted as the suggestion of a profanity, it is clearly the word 'booking' that is being used in full and this is a direct reference to the name of the advertiser and the product.

The Board noted that there are four versions of the advertisement and that two versions have been rated "G" by CAD and the other two have been rated "W". The Board noted that these ratings mean that children would be likely to see the advertisements and considered that the use of the word 'booking' in an advertisement for a company called booking.com makes the advertisement not inappropriate for an audience which would include children.

The Board considered that the advertisement did not use language which is offensive, strong or obscene.

The Board 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.