



Case Report

1	Case Number	0362/11
2	Advertiser	Destroy All Lines
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	28/09/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement was a tour poster for a forthcoming tour by the musical acts: The Amity Affliction, Asking Alexandria and Skyway promoted by Destroy All Lines and a number of other partners. The tour is entitled Fuck The Reaper. This name of this tour is derived from lyrics of the headline band, The Amity Affliction and a number of this band's logos and images are based around this lyric.

THE COMPLAINT

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

Offensive language on an advertisement displayed in a public area where a choice is not in place for people to view the material.

THE ADVERTISER'S RESPONSE

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

We do acknowledge that the use of the word Fuck in the advertisement may be offensive to some people in the community. We did however ensure that a number of steps were taken to limit the exposure of this language to those elements of the community. Firstly, the title of the tour was not the most prominent image or writing on the poster and we found from early testing that people were drawn to the band's names or the image in the middle. The name of the tour is placed to draw in people who are reading the poster for more details. Secondly, we limited our number of outdoor posters presented to areas where we would reach our key demographic in the 18-27 age bracket. These posters are placed in less high traffic areas but areas where our target market frequent. I am unsure of the placement of the complainants poster viewed however these posters are also only placed in these spots for a very limited time.

I have reviewed the AANA Code of Ethics and I believe that the only section of this Code that may be raised in relation to this advertisement is Section 2.5. We believe that the language used is appropriate in the circumstances as noted previously, it is a phrase that is closely associated with The Amity Affliction via their lyrics and associated logos and images. Also as noted above we have attempted to avoid drawing attention to this phrase by limiting its prominence.

I have reviewed the AANA Code for Advertising & Marketing Communications to Children and I do not believe that we have contravened any section of this Code in the advertised material.

Finally, we believe that the language was not included to provoke or offend anyone, it is a prominent "catchphrase" for this band and we wanted to draw in its fans or interested music fans by using the image, band names and finally this tour title.

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 used language that is unacceptable for advertising in a public place.

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 is promoting a tour by a selection of music acts and the title of the tour, "Fuck the Reaper", is part of the lyrics of one of these acts.

The Board noted the advertiser's response that the posters were targeting the 18 to 27 years of age demographic and were placed in areas this demographic frequent, however the Board noted that this poster advertisement would also be available to a wide audience and that in the context of an outdoor location the prominent use of such language is inappropriate.

The Board noted that the F word is a word that is still considered strong if not obscene by the broader community. The Board noted that it had recently upheld similar cases for Bimbo Delux (ASB ref 0238/11) and Dangerfield (0318/11) where the F word was used or heavily alluded to and considered that the use of the F word in this advertisement also amounts to strong or obscene language.

Based on the above the Board determined that the advertisement used strong and obscene language which was not appropriate and that it did breach Section 2.5 of the Code.

Finding that the advertisement breached Section 2.5 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I confirm that we have removed all offending advertising materials and discontinued the advertisement. In future advertising materials we will consider this report.