



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	<b>Case Number</b>	<b>0371/18</b>
2	<b>Advertiser</b>	<b>Youfoodz</b>
3	<b>Product</b>	<b>Food and Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>22/08/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Two women stand side by side against a white backdrop.

YOUFOODZ: (30) is fun and funky, stylishly dressed, with a cool Youfoodz apron.

GENERIC FOODS: (late 30's-40's), wears a dull apron that reads GENERIC FOODS in bold generic letters. She's also wearing black chemical gloves and safety glasses.

The women introduce themselves as they are just finishing off packing the deliveries into boxes. Youfoodz holds up a rose. She places the rose in the box as Generic watches on jealously. Youfoodz explain how they cherish their customers and treat them with gifts. Unimpressed, Generic retrieves a large block of steaming dry ice from the tub and drops it in with the delivery. SURPRISE!

End tail: Youfoodz - We Got You.

### THE COMPLAINT





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

*The advert features a swear word (f word) deliberately beeped out with a black line over the actresses mouth. It is very obvious and on during a time that children are watching TV. It is so unnecessary to use language deliberately like that.*

*Offensive language*

*My children were watching and do not need to hear that language during a family friendly show and time slot.*

*She is clearly saying the F\* word even though it is beeped out. People should not be able to swear during a family program or any other for that matter.*

*This company tried to pull the same stunt last year. In a time slot where kids, youths and teens are still watching television, this should not occur. Very astounded that Ch9 would even allow it!*

#### **THE ADVERTISER'S RESPONSE**

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

*This key number received a G rating from CAD (CAD number G63N9FPA) and was reviewed by lawyers prior to being on air. Due to the fact the offensive word is beeped and blacked out we believe it's not offending our audience. This TVC did not and will not run during any children programming, it only aired during The Block on Ch 9 (7.30pm - 9pm).*

#### **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 complainants' concerns that the advertisement uses obscene language.

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 the television advertisement features a woman saying “whoopy-beep-doo”. As the beep is heard, a black box appears over her mouth with the text “FR@Z#N!”.

The Panel noted the complainants’ concerns that advertisement uses the word ‘fuck’, and although it was beeped over it was still clear what the word was and this language was inappropriate for an audience which would include children.

The Panel noted the advertiser’s response that the advertisement was rated ‘G’, and only appeared during episodes of ‘The Block’, a program which is rated PG.

The Panel noted that the beeping out in the advertisement is significant with no part of the word audible, and that there is therefore no clear indication as to what words are being beeped out and whether they are obscene.

The Panel considered that most adults would assume that the beeped out word is meant to suggest a swear word and most likely the ‘f’ word. The Panel considered however that the use of the text box with the word “FR@Z#N!” makes the language that has been beeped out ambiguous.

The Panel noted that the beeped out word is not being directed at a person and considered that overall the advertisement does not use language which is strong, obscene or inappropriate in the circumstances.

Finding that the advertisement did not use strong or obscene language and that the language was not inappropriate, the Panel 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 complaint.

