



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0380/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Pay TV advertisement depicts a montage of individuals mouthing “WHAT THE 4K” in slow motion. The reactions are supported by the headline “WHAT THE 4K!” and a voiceover advising of the upcoming launch of Australia’s first and only dedicated 4K channel.

THE COMPLAINT

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

Double meaning of filthy nature

(F#ck)

THE ADVERTISER’S RESPONSE

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





Description of the Advertisements

From the information provided by Ad Standards, we understand that the Complaints relate to a recent outdoor and television advertisement from Foxtel's "WHAT THE 4K!" campaign (the Advertisements).

The concept underpinning the campaign is to raise awareness and build excitement around the upcoming launch of Foxtel's unrivalled 4K experience via the iQ4 set top box. The aim of the Advertisements is to demonstrate the surprisingly different viewing experience that will be delivered through Foxtel's new 4K channel.

Television advertisement (0380/18)

The creative message is portrayed by depicting the 'surprise reaction' of a number of individuals (including former Australian cricketer, Brett Lee) to viewing content in 4K; which is four times the resolution of High Definition. The vision in the television Advertisement depicts a montage of individuals mouthing "WHAT THE 4K" in slow motion. The reactions are supported by the headline "WHAT THE 4K!" and a voiceover advising of the upcoming launch of Australia's first and only dedicated 4K channel.

The Advertisement has not been placed on free-to-air television so it has not received a classification from CAD.

The Complaints

The phrase "WHAT THE 4K!" is the subject of the Complaints. The Complaint (0380/18) includes the allegation that there is a "Double meaning of [a] filthy nature".

Applicable provisions of the AANA Code of Ethics

The Complaints relate to Section 2 (Section 2) of the Australian Association of National Advertisers Code of Ethics (the Code).

Section 2.5



Ad Standards has raised Section 2.5 of the Code (Section 2.5) as the applicable provision in the context of the Complaints. Section 2.5 requires that: “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 Complaints refer to the use of “4K” in the Advertisement, suggesting that the use of “4K” denotes offensive language. Foxtel notes that “4K” is the actual terminology used to describe the broadcast resolution of the new channel that Foxtel will launch in October, and rejects the assertion that the Advertisements include any strong or obscene language. The phrase “WHAT THE 4K!” is used within the Advertisements to infer surprise at Australia’s first and only dedicated 4K channel. The AANA’s Practice Note on the Code states, “words and acronyms that play on the ‘f’ word, e.g. WTF and LMFAO, but do not use the actual word are normally considered acceptable if used in a light hearted and humorous way, are in subtitle rather than the spoken word and are appropriate in the situation.” Foxtel considers the phrase “WHAT THE 4K!”, which does not contain any offensive language, is used within the Advertisements in a humorous and light-hearted manner and appropriate for a broad audience.

Foxtel notes that Ad Standards has previously dismissed similar complaints. For example, Ad Standards did not consider the use of the jingle “Boating Camping Fishing is BCFing fun” in the context of the BCF advertisement to be inappropriate nor did it consider that the words were strong or obscene (complaint number 0457/16). In addition, Ad Standards dismissed three complaints concerning a Nova outdoor advertisement containing the acronym “WTF”. The Board considered that although young children may view the advertisement they would be unlikely to understand the acronym and it was therefore appropriate in the circumstances. The Board also noted that some children who view the advertisement may ask parents what “WTF” means but that this is an issue that parents can choose to answer or to explain away (complaint number 502/09; 566/09; 533/09). Ad Standards also considered the use of the acronym “WTF” in an advertisement for Nando’s. The Board dismissed the complaint noting that the use of “WTF” may be understood to suggest strong language by some members of the community, but that the use of the acronym was not of itself language which is necessarily strong or obscene and could mean a variety of things (complaint number 0372/17).

Accordingly, we submit that the Advertisements do not breach Section 2.5 of the Code nor do they breach any other provisions of the Code.



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 concern that the wording on the advertisement was not acceptable.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted the Pay TV advertisement featured a number of people mouthing the words 'what the 4K' while reacting in a surprised and excited manner to something they are watching on TV.

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 the complainant's concern that 'what the 4K' was a reference to 'what the fuck' and that this language was not appropriate for a medium which would be seen by a broad audience which would include children.

The Panel noted the advertiser's response that the word '4K' is in relation to Australia's first 4K channel and the phrase 'what the 4k' is used to infer surprise at the new channel.

The Panel noted it had previously considered a billboard advertisement which featured the words 'Eat the Best, Fork The Rest' in case 0582/17, in which:

"The Board considered that the suggestion of strong language was mild, with the word 'fork' being not out of place in conjunction with an image of the advertised product.

The Board considered that the word 'fork' was not strong or obscene language and was not inappropriate for a billboard advertisement seen by a broad audience which would include children."

In the current advertisement the Panel considered the phrase 'what the 4k' was directly related to the product or service being advertised and there was a clear meaning to the advertisement other than a reference to 'fuck'.



The Panel considered that the advertisement was clearly in context of the new Foxtel 4K channel and that the text '4K' appears on the screen.

The Panel noted that the people in the advertisement clearly enunciated the 'four' and it could clearly be seen that they weren't saying 'fuck'.

The Panel considered that the suggestion of strong language was mild and was not inappropriate for a broad audience which may include children.

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

