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Advertising Standards Bureau Limited  
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# Case Report

1	Case Number	0384/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Print
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

The campaign comprises six print advertisements, all with the headline "WHAT THE 4K!". This creative message is portrayed across the six advertisements by depicting the 'surprise reaction' of a number of individuals (including former Australian cricketer, Brett Lee), as well as a seal, to viewing content in 4K; which is four times the resolution of High Definition.

## THE COMPLAINT

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

*The people advertising this product are almost saying F..K when mouthing the words. Quite disgusting when in general we are trying to teach children not to swear. Where is the advertising code of practice on this. It is bad enough to have footballers or sports stars mouth the word when they miss a kick at goal or lose a game/set.*

*It is obviously using a phrase which unfortunately when read or spoken is very similar to "What the Fuck".*



*I know that niceties seem to have slipped as far as language is concerned but it is annoying that the "smarties" at Foxtel had to stoop this low, instead of coming up with something creative.*

## **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 recent print advertisements from Foxtel's "WHAT THE 4K!" campaign (the Advertisements).*

*The campaign comprises six print advertisements, all with the headline "WHAT THE 4K!". 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. This creative message is portrayed across the six advertisements by depicting the 'surprise reaction' of a number of individuals (including former Australian cricketer, Brett Lee), as well as a seal, to viewing content in 4K; which is four times the resolution of High Definition.*

*A digital copy of the Advertisements is attached.*

### *The Complaints*

*The phrase "WHAT THE 4K!" is the subject of the Complaints.*

*The Complaints include the allegations that the Advertisements are "quite offensive" and "when read or spoken [are] very similar to "What the Fuck.""*

### *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 Advertisements, 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 numbers 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.*

*Foxtel takes the Complaints very seriously and regrets any offence caused to the complainants.*

## **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’ 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 print advertisement featured a series of images including pictures of people and a seal looking surprised and the words 'what the 4k'.

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 complainants' 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 was clearly in the context of the new Foxtel 4K channel. The Panel considered that there was a clear meaning to the advertisement other than a reference to 'fuck'.

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

