



Case Report

1	Case Number	0423/17
2	Advertiser	Youfoodz
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/09/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young boy explaining how quick and easy YouFoodz products are to prepare before saying that he finds the freshness of Youfoodz meals un-forkin-believable.

THE COMPLAINT

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

The boy was using the term "forking" in what was a clear reference to the term "fucking" and we consider this totally inappropriate for the timeslot, the fact that The Block is a family show and that the boy in the ad should not be used in this way.

The language used by the child specifically using "fork" and "forking" as an obvious substitute for more obscene expletive. Definitely not appropriate for a child to use.

On two separate occasions the young boy used the word forking (to replace fucking) to the

extent where my wife and I were convinced he had actually said fucking. This is family time television and definitely makes out that this is acceptable language for young people to use.

*It's quite obvious he was saying f*cking.*

I object to a child being filmed saying the word forking twice making it sound a lot like the swear word fucking.

THE ADVERTISER'S RESPONSE

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

In response to your notification of complaint(s) raising issues under Section 2 (namely Section 2.5) of the AANA Advertiser Code of Ethics, Youfoodz has considered all issues highlighted in the complaints relating to Section 2 of the Code and does not agree that the advertisement has breached any aspect of Section 2 of the Code.

We have addressed all parts of Section 2 of the AANA Advertiser Code of Ethics below:

Section 2.1 - Discrimination or vilification: Not agreed. This advertisement does not discriminate against age, men, women, gender, religion, sexual preference or on the grounds of disability or mental illness, ethnicity, race or nationality, physical characteristics, lifestyle choices or occupation.

Section 2.2 - Exploitative and degrading: Not agreed. This advertisement does not feature content of or depict children, men or women in any way that is exploitative or degrading.

Section 2.3 – Violence: Not agreed. This advertisement does not feature violence, cruelty, bullying, graphic content or unacceptable behaviours.

Section 2.4 - Sex, sexuality and nudity: Not agreed. This advertisement does not feature sex, sexuality or nudity.

Section 2.5 – Language: Not agreed. This advertisement does not include any strong or obscene terms. The advertisement does feature the word 'forkin' in a light-hearted, tongue-in-cheek manner that is appropriate in the context of a kitchen, and that we sell ready-made meal company and a fork is needed to consumer our meals. It is not used in conjunction with offensive imagery or in an aggressive way.

Section 2.6 - Health and Safety: Not agreed. This advertisement does not include a depiction of drugs, smoking, drinking or gambling. Nor does it include bullying, unsafe driving, unsafe behaviour, fantastical elements, safety in the home, protective gear or any other health and safety issues.

Section 2.7 Distinguishable as advertising: Not agreed. It is clear to the relevant audience that the content is commercial in nature.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts a young boy saying ‘forking’ in a manner designed to make it appear he is saying ‘fucking’ which is not appropriate language for a young boy, and not appropriate for children to hear.

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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that this television advertisement features a young boy saying that the advertised product took ‘two forking minutes’ to prepare and that its freshness is ‘un-forkin-believable’.

The Board noted the complainants concerns regarding a young boy saying a word which sounds very close to a strong swear word.

The Board noted it had previously dismissed similar complaints about an advertisement featuring a young girl saying, “Well beep me” in case 0129/12 where:

“The Board accepted that the inference of a young girl swearing could be considered offensive by some members of the community. The Board considered that although the simultaneous use of the car horn and the young girl saying ‘beep’ is an intended reference to an obscene word, an actual obscenity is not used and the term ‘beep’ in itself is not strong or obscene.”

The Board noted that the current advertisement opens on the text, “Forkin’ Fresh” on screen in large black letters against a white background and that the actual word used by the boy is “forkin”. A minority of the Board noted that the manner in which the boy speaks the word “forkin” does sound very close to the word, “fucking” but considered that the opening text makes it clear that the descriptor is “forkin” and not “fucking” and overall the advertisement is playing on the well-known behaviour of celebrity chef Gordon Ramsey but it is clear that the boy is not actually swearing. The minority of the Board noted that advertisers should take care when using children in advertisements to mimic the behaviour of adults but considered that the actual content of the advertisement does not use strong or obscene language and overall the language used is not inappropriate in the circumstances.

The majority of the Board however noted that whilst most members of the community would not expect a child to actually say the word “fucking” in a television advertisement, in the Board’s view the way the young boy says the word “forkin” makes it sound very close to the

strong swear word it is clearly imitating.

The majority of the Board noted that it had previously upheld complaints about a radio advertisement where a child appears to say the F word (0013/11) where:

“The Board noted that this radio advertisement lists the common excuses used by people for not wearing a seat belt when in a vehicle, and that the child’s voiceover gives one excuse as, “you couldn’t be f***ed”. The Board noted the advertiser’s response that the child was asked to read the word “fire truck” and that they beeped out the middle of the word to increase the impact on the listener and shock them in to taking in the message of the advertisement. The Board noted that this advertisement is played on the radio and therefore is available to a wide audience. The Board noted that although the word is beeped out, the inference to a strong swear word is clear. The Board considered that most members of the community would consider a child saying ‘fucked’ was not appropriate. The Board considered that the inferred word as well as the child’s voice reading it makes this inappropriate in the circumstances.”

The majority of the Board noted that there is a level of community concern about strong or inappropriate language (Community Perceptions Research, https://adstandards.com.au/sites/default/files/community_perceptions_report_2012.pdf, 2012) and considered that the use of a young boy saying a word which sounds very much like a strong swear word increases the impact of the implied language and is not appropriate in the circumstances.

The majority of the Board noted that it had previously upheld a similar complaint in case 0261/15, where:

“...the Board considered that the manner in which the phrase ‘F ‘n’ L’ is spoken in the ‘PG’ rated advertisements and the context of this exclamation following sighting of a woman walking past, is more suggestive of the phrase ‘effing hell’. The Board acknowledged the link between the phrase, ‘F ‘n’ L’ and the product’s name but considered that overall the use of the phrase, ‘F ‘n’ L’ in the ‘PG’ rated advertisements, more clearly comes across as ‘effing hell’ and considered that that most people would consider this strong language and not appropriate in an advertisement for hair product.”

Consistent with its previous determinations in cases 0013/11 and 0261/15, the Board considered that the advertisement did use inappropriate language and determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.5 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Although Youfoodz disagrees with the Board’s determination, Youfoodz will take measures to modify the advertisement and continue to air the modified version of the advertisement. This change is planned to take effect from 8th October 2017.

