



Case Report

1	Case Number	0433/11
2	Advertiser	Victorian Fitness Academy
3	Product	Leisure & Sport
4	Type of Advertisement / media	Radio
5	Date of Determination	23/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement for Victorian Fitness Academy "Best of Summer" Promotion which features the phrase "an F load of options".

THE COMPLAINT

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

During the advert the woman's repeated reference (at least three times in one advert) to some self-invented buzz word called 'F-Load' in context: "...you'll get a F-Load of benefits with ..." They might as well have just said 'Fuck Load' seriously I know they're appealing to the younger market trying to be 'cool' etc but this has crossed the line. It's a tricky question to answer an 8yr old when he asked: "Daddy what does 'F-Load' mean?"

It's just another rung down the slippery ladder of TV and Radio standards, the over-familiarity of inappropriate words in mainstream media.

For the record I've never made a complaint before so for what it's worth here it is.

I'm not really expecting anything to get done about this I understand one person (although hopefully more) won't make a difference. But at least if this is a formal complaint makes me feel better and here's to more people doing the same thing so the advert is changed or removed.

Keeps saying blah blah "f load" of options. This is so unnecessary. There is no reason for an ad to resort to pseudo-swearing when the same sentiment could be made by saying "heaps"

*"endless" even "truck loads" but they just had to go straight for the offensive option and think they're so smart because they didn't explicitly say "f***".
Saying "f" this "f" that is JUST as offensive as saying the actual word and I don't care to be sworn at by some radio ad.*

THE ADVERTISER'S RESPONSE

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

The Advertisement is an irreverent tongue in cheek promotion for the Victorian Fitness Academy, talking about the "f-load" of options available to listeners this summer. The Advertisement directed listeners to enter a promotion (run by VFA) which involved an "f-load" of prizes for entrants.

We note that the complaint received by ASB on 19 October 2011 makes reference to the Advertisement in relation to children (namely, the complainant's 8 year-old child).

Whilst we can understand and appreciate the complainant's point of view in respect of the Advertisement, Nova 100 does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation.

AANA Advertiser Code of Ethics

The complainant raised concerns with the use of the term "f-load" to describe activities and prizes as part of a VFA advertisement/promotion on Nova 100. The complainant asserts that this phrase equates to the advertisement using the words "fuck load" and is inappropriate for children listening. Whilst we acknowledge that the reference could be interpreted as a cheeky and irreverent play on words, the Advertisement does not contain any swear words (or any other obscene terms). The tone of the Advertisement is not negative or aggressive, the words are not directed to anyone in a negative or derogatory light.

At the outset it is important to note that Nova 100 does not consider itself strictly bound by the Code. Nevertheless, as a matter of corporate policy and broadcasting practice, Nova 100 uses its best endeavours to comply with the Code at all times.

Section 2.5 of the Code provides that:

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

Code 2.5

Nova 100 acknowledges that the Advertisement uses the term "f-load" which may infer the connotation of a swear word.

However, the language used was not obscene. The inference is subtle and the tone of the Advertisement was positive and light-hearted, not negative, aggressive or profane. Whilst we acknowledge that the use of the phrase may not be to everyone's liking and is cheeky and irreverent, we do not believe that it breaches Code 2.5.

Nova 100's target and predominant audience is adults aged between 18-39, as confirmed by regular surveys conducted by AC Nielsen. Nova 100 does not target children, or tailor its programming towards children.

Nova 100 respectfully submits that the language used was appropriate for the intended and target audience and does not include anything which is obscene or offensive and does not

employ language which would allow a small child to understand the connotation that may be conveyed within the Advertisement.

In light of the context in which the Advertisement was broadcast, Nova 100 believes that the majority of its audience would regard the Advertisement as light-hearted and irreverent.

For these reasons, Nova 100 strongly believes that the Advertisement does not breach clause 2.5 of the Code.

Whilst Nova 100 does not consider that the Advertisement raises issues under section 2 of the Code, Nova 100 does value feedback on the Advertisement and intends to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.

We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.

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 uses inappropriate language that is unsuitable for children.

The Board viewed the advertisement and noted the advertiser’s response.

The Board then 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 the advertisement voiceover refers often to the term “F-Load.”

The Board noted the advertiser’s response that the advertisement was tailored to appeal to the target audience of the radio station Nova 100 which is 18-39 year olds and is intended to be lighthearted and humorous.

The Board accepted that the term ‘F-Load’ could be considered offensive by some members of the community however the Board considered that the term is commonly used to refer to a large portion of a particular item or in this case a substantial number of prizes. The Board considered that the context in which the phrase is used is not aggressive, threatening or demeaning, and that although the term F-Load is suggestive of the words “fuck load,” the word ‘fuck’ is not used and the term ‘F-load’ in itself is not strong or obscene and that the use of the term is not inappropriate in this instance.

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

Finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.