



Case Report

1	Case Number	0466/17
2	Advertiser	Youfoodz
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/10/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

A television commercial featuring a young boy, approximately 8-10 years of age in parody of famous chef Gordon Ramsay presenting an advertisement for Youfoodz. Repeatedly says 'forkin' throughout the advertisement, stating he finds it 'Un – forkin – believable.' The word 'forkin' has been bleeped out of the advertisement.

THE COMPLAINT

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

Inappropriate ad as child depicted as bad tempered chef using offensive language. Shocking example for other children. Obviously supposed to be funny but is offensive

I was watching with my 10 yr old grandson who was absolutely shocked that the child should be copying an adult swearing with the swear word being blanked out. He even said to me 'Nanna how can he being using that word' ... I don't know if they think this is funny but any child would guess what word the child was meant to have said. I find this offensive and very inappropriate advertising.

*Strong language inferred....with a bleep to hide what is being said.
Decision already made and upheld.*

It bleeps out language where the child would be swearing and is offensive coming from a child while watching the show with my children.

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 2.5 of the AANA Advertiser Code of Ethics, Youfoodz has considered all issues highlighted in the complaints relating to Section 2.5 of the Code and does not agree that the advertisement has breached any aspect of Section 2.5 of the Code. Section 2.5 – Language: Not agreed. This advertisement does not include any strong or obscene terms. It is not used in conjunction with offensive imagery or in an aggressive way.

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 using inappropriate language that has been ‘beeped’ out in a manner that accentuates the bad language and 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 is a modified version of the previously upheld advertisement 0423/17 and features a young boy saying that the advertised product took ‘two forking minutes’ to prepare and that its freshness is ‘un-forkin-believable’. In this modified version of the advertisement, the word ‘forkin’ has been beeped over.

The Board noted the complainants’ concerns regarding the modification made to the advertisement and the very strong impression the young boy is saying a word which sounds very close to a strong swear word which is normalising and encouraging children to swear.

The Board noted that there is a genuine 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) particularly where children are exposed or included.

The Board 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 beep is used has the effect of accentuating the word and makes it appear that the child is using a strong swear word.

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”.

The Board noted that the depiction of the boy and the manner in which he speaks is playing on the well-known behaviour of celebrity chef Gordon Ramsey. The Board reiterated that advertisers should take care when using children in advertisements to mimic the behaviour of adults and that this includes using language that may sometimes be considered acceptable for an adult but not children.

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 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 it had previously upheld complaints 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.”

The Board considered that the depiction of a young boy appearing and sounding to utter a strong swear word, where the inclusion of a beep over his voice accentuates and increases the impact of the implied language is not appropriate in the context of promoting a food product.

Consistent with its previous determinations in case 0423/17, 0013/11 and 0261/15, the Board considered that the advertisement’s strong inference of a child saying strong language is inappropriate 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

The Advertiser did not provide a response.