



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0499/18
2	Advertiser	Grill'd
3	Product	Food / Beverages
4	Type of Advertisement / media	Internet-Social-Inst
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Instagram advertisement depicts a burger bordered with tomato vines. The caption to the image is "Don't be a motherfucker. Eat like a motherlover. No added nasties. Burgers from a better place #grilld ." This advertisement appeared as a sponsored post, not on the Grill'd Instagram page.

THE COMPLAINT

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

The caption in this advertisement appears to imply coarse language, with the phrase "[d]on't be a motherfucker" being suggestive of the more inappropriate phrase "don't be a motherfucker". This can be inferred from the fact that "[d]on't be a motherfucker" has no literal meaning, whereas the phrase "don't be a motherfucker" is semantically correct. Further, when read in conjunction with the subsequent line "[e]at like a motherlover", it leads to the impression that "motherfucker" should be pronounced with the vowel pattern in "motherlover". leading some to read the sentence in the more inappropriate manner.



The ad appears to be in breach of the Code, with s 2.5 providing that advertisers "only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium)."

The usage of similar words in place of actual swear words was looked at in case 0423/17, where the board found that the use of the word "forking" in place of "fucking" was inappropriate given that, among other reasons, it sought to imitate a strong swear word. Another similar case involving substituted swear words was case 0261/15, where the board upheld a complaint over the use of the phrase "F n L" which it found was similar to the phrase "effing hell". Despite it being different from the stronger "fucking hell", the phrase was a clear reference to such and the board found it would not be appropriate for a child to use.

As in these previous cases, the use of the phrase "motherfucker" in this advertisement can only be seen as inappropriate despite it not depicting an actual swear word. The close similarity and apparent intended meaning of the phrase give it a character that would make the advertisement inappropriate to display towards children. Given Instagram usage is heavily weighted towards a younger audience (see Alex York, "Social Media Demographics to Inform a Better Segmentation Strategy", Sprout Social

THE ADVERTISER'S RESPONSE

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

The Grill'd Burgers from a better place campaign is all highlighting our simple belief in providing burgers that are better for you, better for the community and better for mother earth - as we say, we're Motherlovers.

Burgers from a better place means our products are made to the highest standards, such as the use of RSPCA Approved chicken and pork. And we are constantly improving our nature and business practices. The alternative? Using additives and not being aware of our impact on the planet.

After 14 years, Grill'd has a history of advertising that taps into what our customers and Australians can see and see through.

Calling ourselves Motherlovers is simply our way of showing our commitment to providing burgers that are better for you, better for the community and better for mother earth.

Burgers from a better place means taking the time to know where our products come from, as opposed to using additives and not being aware of our impact on the planet.



After 14 years, Grill'd has a history of advertising that taps into what our customers and Australians can see and see through.

In direct repose to the comment:

"The close similarity and apparent intended meaning of the phrase give it a character that would make the advertisement inappropriate to display towards children. Given Instagram usage is heavily weighted towards a younger audience (see Alex York, "Social Media Demographics to Inform a Better Segmentation Strategy", Sprout Social 0499/18"

Response to above comment:

- Our Instagram advertising is specifically targeted to audiences of 18-26.*
- Insta ad attached. Copy:*

Don't be a motherfucker. Eat like a motherlover. No added nasties. Burgers from a better place #grilld

Our advertisement (which is what the complaint is about) are age-gate, for 18+. We do not display these advertisements on Grill'd's Instagram Feed. Instagram itself allows people to get an account from the age of 13, which is outside of our control, we can only control the advertisements we place, which we have done but ensuring we only advertise on Instagram to 18+.

If you have any further comments or questions don't hesitate to contact Grill'd further.

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 advertisement uses offensive language.

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

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 that this Instagram advertisement states "Don't be a motherfucker,



eat like a mother lover”.

The Panel noted the complainant’s concern that the language is offensive and is clearly an obscenity.

The Panel noted the advertiser’s response that the advertisement was only viewed by those who had identified they were over 18 on their Instagram account. The Panel considered that this advertisement was consistent with the advertiser’s messaging and branding.

The Panel noted that no actual profanity is used in the advertisement. The Panel considered that the advertisement does make a viewer look twice to confirm the language, but it is clear that no profanity is used.

The Panel noted that the complainant referenced two cases in their complaint where similar language was upheld. The Panel noted that both those cases were broadcast on free to air television and were upheld on the basis that the language was inappropriate for a broad audience that would include children.

The Panel considered that this advertisement was aired to adults only, and did not contain profanity. The Panel considered that the language used in the advertisement is not inappropriate for a broad audience and did not contain strong or obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

