



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0512/18</b>
2	<b>Advertiser</b>	<b>Remedy Kombucha Pty Ltd</b>
3	<b>Product</b>	<b>Food and Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>Billboard</b>
5	<b>Date of Determination</b>	<b>12/12/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features an image of the advertiser logo, the product which is a bottle of drink, and the text "Tell sugar to get fruct".

## THE COMPLAINT

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

*It's deliberately trying to be offensive....*

*Humour in advertising - it attracts people to sell the product- I get it. However, he play on language for this ad (specifically, FRUCT vs FUCKED) is too close to being offensive. While the product may be targeting adults, the ad is available for all age groups to view. It doesn't set a good example for kids.*

*For adult consumption, such a message could be tolerated, but for children who we're teaching to limit their swearing, not so.*



*The word FRUCKING is an attention grabbing word, rhyming with the obvious swear word. It cannot be missed by drivers/pedestrians approaching the Glen. Glen Waverley Primary & McDonalds are across the road from it on the eastern side. Disgusted that advertiser can go ahead & advertise in such a way. Children seeing such, every day are being desensitised to swear because adults put it there, so, it must be ok. IT IS NOT OK & IT IS TIME TO STOP THE ROT!*

*In today's world, standards are falling so quickly & this sort of advertising contributes to the problem.*

*oOh! Media spokesman Mark Lambortini said they knew they were pushing the boundaries when they went ahead & to go ahead to complain to you-Advert.*

*Standards board. I am absolutely disgusted with the ad. & the fact that this company has gone ahead with it. Does no-one have any concerns about what our children see & hear; that money/profits matter more than decent values!!*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to complaint 0512/18 regarding a Remedy Kombucha outdoor advertisement. Set out below is our response to the complaint for consideration by the ASB Panel.*

*Description of the Advertisement:*

*The advertisement is an outdoor advertisement featuring a bottle of Remedy Kombucha and the slogan "Tell Sugar To Get Fruct".*

*We use the word "Fruct" as a shorthand for "Fructose" which is a common form of sugar found in many foods and drinks. One of the key ways in which Remedy Kombucha distinguishes itself from soft drinks is that it does not contain sugar.*

*At Remedy, we are passionate in our belief that soft drinks can be better, including with respect to sugar. The advertisement is intended to be disruptive to get people to rethink the way they currently shop for soft drinks. We want to shake up fizzy drinks for good.*

*This advertisement appears in the context of a broader outdoor advertising campaign (including the following executions) that reaffirms the message that fizzy drinks can be better, and that Remedy (unlike other soft drinks) does not contain sugar.*

*We have carefully considered the complaints, and the concern raised that the advertisement contains inappropriate language.*



*The advertisement uses the word 'fruct', which is a shortened term for 'fructose', a type of sugar that many people try to avoid and which is not present in Remedy Kombucha.*

*Kombucha is a fermented tea drink which is marketed predominantly to adult consumers. The expectation is that an adult audience for these advertisements may make a connection between 'fruct' and 'f—ked', however this is quite an obscure connection and we do not intend or expect that this connection will be made by young children, especially given the spelling of 'fruct' is quite different to the word 'f—ked', and phonetically "fruct" can be pronounced as either "fhooked" or "frucked"*

*Fructose, and the shorthand "fruct" are likely to only be understood by adults and in particular the segment of adults that are sugar-conscious, and aware of fructose being a type of sugar.*

*The advertisement does not depict the actual word 'f—k', and "fruct" is not used in an aggressive manner, or in conjunction with any offensive imagery. In such cases this has previously been held by the Board not to amount to inappropriate use of language or language that would be considered strong or obscene (Victory Hotel - 0396/15).*

*The slogan 'tell sugar to get fruct' is meant to convey a bold, and passionate way of saying "no" to sugar, which aligns with Remedy's tone of voice and mission to change the drinks landscape for the better and challenge consumers to choose healthier alternatives to regular soft drinks.*

*In our view the advertisement therefore does not contain any strong or obscene language, or language which is inappropriate in the circumstances given the audience. Previously the ASB held that the use of an obscured swear word like "fing" in a non-aggressive manner (in the case of BCF – 0434/16 and 0457/16) amounted to an overall use of language which is not strong or obscene or inappropriate. We consider that this advertisement is similarly non-aggressive, as the word 'fruct' is directed at sugar (not any person or thing) and the phrase 'tell sugar to get fruct' is clearly intended to be a tongue-in-cheek, play on words to challenge adult consumers to rethink their beverage choices and make the move away from sugary drinks.*

*Prior to the ad going live in market it was put to the Outdoor Media Association (OMA) for review. The response from the OMA:*

*'The Ad Standards Community Panel tends to come down quite harshly on words or phrases that are substituted for swear words (in this case "fruct" is clearly meant to be a substitute for "f\*cked"). However, on the scale of Section 2.5 (Language) assessments, this is definitely at the low end of the scale - and it is a low-risk for breach. I think another plus is that the word "fruct" is used in a non-aggressive manner, and that there is a clear connection between "sugar" and "fructose". For*



*those reasons, I don't think that the creative is likely to breach the AANA Code of Ethics, and so is fine to be run."*

*Whether the audience is predominantly children*

*This advertisement is not marketing directed to children, or predominantly directed to children. Remedy Kombucha is marketed as an adult non-alcoholic beverage/soft drink.*

*Does the advertisement breach any other parts of Section 2 of the Advertiser Code of Ethics, namely the following:*

*2.1 –Discrimination or vilification*

*There is no discriminative language used or person/group of persons vilified.*

*2.2- Exploitative and degrading*

*There is no exploitative or degrading language used.*

*2.3 – Violence*

*There is no violent language or actions used or depicted.*

*2.4 -Sex, sexuality and nudity*

*There is no sexual or nude content.*

*2.6 -Health and Safety*

*The advertisement does not depict material contrary to prevailing community standards on health and safety.*

*2.7 Distinguishable as advertising*

*This outdoor advertisement shows a bottle of the product and Remedy Kombucha branding which makes it clearly distinguishable as an advertisement for the Remedy Kombucha product.*

*If you have any further questions in regards to this matter please contact us.*

## **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' concerns that the advertisement contains an obscenity.

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 the complainants’ concerns that the advertisement contains an obscenity.

The Panel considered that this advertisement features a bottle of drink and the text “Tell sugar to get fruct”.

The Panel considered that the audience for this billboard advertisement would be broad and likely include children.

The Panel noted that the advertisement features a play on the word ‘fructose’. The Panel considered the advertiser’s response that while adults will understand the reference to an obscenity, children are unlikely to make that connection.

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 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.

