



Case Report

1	Case Number	0513/16
2	Advertiser	SBS Corporation
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

The poster advertisement features a bearded man with a crepe in his hand standing in the street in front of a menu board. The text “F*CK, THAT’S DELICIOUS” is overlaid in white letters across the centre of the poster. The Viceland logo also appears.

The poster advertisement is one of a series of four for the Viceland channel.

THE COMPLAINT

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

I don't think this language is appropriate to be using where young children can see it every day.

THE ADVERTISER’S RESPONSE

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

SBS has been asked to provide comments in relation to the issues the complaint raises that fall broadly within Section 2 of the AANA Advertiser Code of Ethics (the Code).

SBS considers that the following clauses of the Code are not relevant on the basis that the advertisement:

- does not portray people or depict material in a way which discriminates against or vilifies a person or group on the grounds set out in clause 2.1;*
- does not employ sexual appeal (2.2);*
- does not present or portray of violence (2.3);*
- does not deal with sex, sexuality and nudity (2.4);*
- does not depict material that relates to health and safety (2.6).*

The AANA Code of Advertising & Marketing Communications to Children does not apply, as the advertisement is not directed primarily to children and is not for a product targeted toward and having principal appeal to children. The AANA Food & Beverage Advertising & Marketing Communications Code does not apply, as the advertisement is not for a food or beverage product.

The complaint raises issues under clause 2.5 of the Code relating to the use of strong or obscene language.

*The poster is one of a series of four large format street posters promoting new TV programs to be shown on SBS VICELAND, and the date SBS is relaunching its free-to-air TV channel 'SBS 2' as 'SBS VICELAND'. The posters appear together, in outdoor locations, in the following sequence (left to right): 'Gaycation' (program name); 'F*ck, That's Delicious' (program name); 'Black Market' (program name); 'VICELAND – It's A TV Channel – Free-to-Air – Nov 15' (launch information).*

*'F*ck That's Delicious' is a television series which follows rapper and bon vivant, Action Bronson as he travels the world meeting like-minded pleasure-seekers and eating his fair share of food. The poster features Action Bronson, smiling (as if he's just taken a bite of something nice), standing in the street in front of a menu board, holding a crepe, with the program title overlaid in white letters across the centre of the poster.*

The poster does not contain strong or obscene language. SBS understands that the word 'fuck' is considered to be strong and offensive to some people. However, while the word used in the poster alludes to the swear word, it does not refer to it in full. The impact of the word is lessened by the use of the asterisk in place of the 'u', and the context of the poster. The word is used in its colloquial sense, as an exclamation of pleasure. This is in keeping with the character of the program and the presenter. The phrase is not presented in an aggressive or sexual manner.

While the posters are located on street hoardings, they are clearly not directed at children and they are not likely to be attractive to children. The programs being promoted are intended to attract audiences in the 16-39 year old demographic, and depict presenters who are in that age group or older. SBS considers that the way in which the modified word is used in the poster is unlikely to be read by young children as an offensive swear word.

For the reasons stated above, SBS considers that the poster uses language which is appropriate in the circumstances, and does not use strong or obscene language.

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 used language that was not appropriate to be seen by young children.

The Board reviewed 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 poster advertisement features a bearded man with a crepe in his hand standing in the street. The text ‘F*CK THAT’S DELICIOUS’ and the SBS Viceland logo.

The Board noted that the advertisement contained the word ‘F*CK’ and that the ‘U’ in the word had been replaced with an asterisks.

The Board noted that the asterisks did not obscure the meaning of the word, and in the context it was clear what the word was meant to be. The Board also noted that the name of the product being advertised was a television show called ‘F*ck, That’s Delicious’.

The Board noted that it had previously upheld similar complaints about outdoor posters featuring the names of bands (“Holy Fuck” in case 0032/11, “Fuck the Reaper” in case 0362/11 and “Starfuckers” in case 0009/15).

The Board noted that the current advertisement was part of a series of large, outdoor posters which would be seen by a broad audience, including children. The Board considered that the meaning of the word in the advertisement was clear enough that most young children would be able to read and understand it.

A minority of the Board considered that the use of the word in this way was not negative, violent or sexual and the use was consistent with common Australian vernacular. The minority of the Board also felt that the word was part of the title of the show, and as such it was appropriate to use in advertising.

The majority of the Board considered that community standards research had shown that the word ‘fuck’ is still considered to be obscene by most members of the community, and that this was not appropriate to be used in advertising in a public medium.

Consistent with previous determinations, the majority of the Board considered that the language in the advertising was too explicit for a broad audience that would include children.

The Board considered that the advertisement did use strong, obscene or inappropriate language.

The Board 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 complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

SBS takes note of the ASB's decision on this matter. SBS advises that the campaign has now concluded and the street posters are no longer in market.