



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0513/18
2	Advertiser	Skoda
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/12/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features scenes of ŠKODA vehicles, examples include footage of ŠKODA branded vehicles used as a rally car in Finland, an ambulance in the United Kingdom and a support vehicle for cyclist in France. There is also footage in Germany on the Autobahn, footage of the Vision X concept car and finally, footage of the ŠKODA KAROQ driving through the bush in Australia. In the background of the Advertisement, is the track by AKA George, "Stone Cold Classic".

THE COMPLAINT

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

I was offended by the blasphemous lyrics on the backing track to the ad

THE ADVERTISER'S RESPONSE

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





Dear Sir/Madam,

We refer to your letter dated 20 November 2018 enclosing a complaint (Complaint) received in relation to ŠKODA Australia's (ŠKODA) brand advertisement.

ŠKODA takes its legal responsibilities under Competition and Consumer Act, AANA Advertiser Code of Ethics and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) very seriously. Further, ŠKODA adheres to the Commercial Advice Division (CAD) pre-approval process to ensure approval classification before the commercial is aired.

The Advertisement

The Complaint relates to the ŠKODA's Brand TV Commercial (Advertisement), which portrays the various activities that the ŠKODA brand supports around the world. Such examples include footage of ŠKODA branded vehicles used as a rally car in Finland, an ambulance in the United Kingdom and a support vehicle for cyclist in France. There is also footage in Germany on the Autobahn, footage of the Vision X concept car and finally, footage of the ŠKODA KAROQ driving through the bush in Australia. In the background of the Advertisement, is the track by AKA George, "Stone Cold Classic" (see Appendix 1 for full lyrics).

Relevant Legislation and Regulations

The relevant laws and standards relating to the complaints are as follows:

- 1. The AANA Advertiser Code of Ethics (AANA Code); and*
- 2. The AANA Advertiser Code of Ethics (Practice Notes). In relation to section 2 of the AANA Code, the Advertisement does not portray people or depict material in a discriminatory manner. There is no sexual appeal, which is exploitative and degrading of any individual or group of people. There is no portrayal of violence in any way whatsoever. The Advertisement does not portray any acts that are contrary to Prevailing Community Standards on Health and Safety.*

The Complaint is made pursuant to Section 2.5 of the AANA Code, which states that 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.

ŠKODA's Response to the Complaint

The Complaint raises concerns with the use of the background track "Stone Cold



Classic” by AKA George, specifically the lyrics “I goddamn have it”. The complainant raises concerns that these lyrics in the background track are “blasphemous lyrics”. While ŠKODA respects the personal opinion of the complainant, ŠKODA strongly believes that the Advertisement is not offensive and in full compliance with the AANA Code. The advertisement does not use strong or obscene language.

The assertion of the meaning of this specific lyrics and song is incorrect. From an interview published on www.musicmusingsandsuch.com: “The song is about believing in yourself and owning your life” as quoted by AKA George. He goes on to say: “The key lyric in my song though is ‘If I repeat it, maybe I’ll believe it’ - because, at least for me, there’s always something lurking in the back of my mind telling me I’m not as good as I think I am”.

In summary, the song is written about having belief in yourself and ignoring the voice in the back of your mid that tells you you’re not as good as you think you are. There is no intent for the specific lyrics “I goddam have it”, to be sacrilegious against God or religion. The lyrics “I goddam have it” refers to believing in yourself, feeling like a champion. The use of ‘goddam’ is an informal word used to emphasis the point. According to www.dictionary.com the word ‘goddam’ is used as an exclamation of any strong feeling.

Furthermore, the TVC received a “G” classification (General) from CAD; which means it may be broadcast at any time, except during P and C programs or adjacent to P or C periods, and the media has accordingly been purchased with these guidelines in mind.

The Advertisement was reviewed by our internal Legal team as well as by the Commercial Advice Pty Ltd (CAD) prior to airing, ŠKODA maintains that the advertisement is within the AANA Code, community and regulator standards, and that a reasonable person would not have grounds for complaint as it does not display any notion of offensive language. We therefore respectfully request this complaint be dismissed.

We look forward to hearing from you following a decision by the Ad Standards Board.

Appendix 1: Lyrics to “Stone Cold Classic” by AKA George

(Verse 1)

Fire up the flames

I'll do you damage

Instagram the blaze

I'm Shere Khan savage

(Chorus)

You don't have to ask

You know I have it



*No you don't have to ask
I goddamn have it
Stone cold classic
(Verse 2)
AKA's the name
Got blind ambition
Baddest in the game
With Van Gogh vision
(Chorus)
You don't have to ask
You know I have it
No you don't have to ask
I goddamn have it
Stone cold classic
(Bridge)
Hey
I gotta tell ya
Hey
If I repeat it, maybe I'll believe it
(Chorus)
You don't have to ask
You know I have it
No you don't have to ask
I god damn have it
Stone cold classic*

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 contains blasphemous lyrics.

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 complainant's concern that the advertisement contains blasphemous lyrics in the background track.



The Panel considered that this advertisement features parts of the song Stone Cold Classic by AKA George and the lyrics “I goddamn have it”.

The Panel considered that the use of the term in this advertisement was intended as an intensifier to the song rather than used in a religious sense, was consistent with colloquial usage and was not likely to cause offence to the community in general.

The Panel considered that the advertisement did not use strong or obscene language and the references were not inappropriate in the context of the product advertised and determined that the advertisement did not breach Section 2.5 of the Code.

The Panel noted that the advertisement could be considered under the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel considered Section 2 of the FCAI Code and determined that the advertisement did not breach any provisions under that Section.

Finding that the advertisement did not breach the Code of Ethics on other grounds or the FCAI Code, the Panel dismissed the complaint.

