



Case Report

1	Case Number	0515/16
2	Advertiser	NT Official
3	Product	Tourist Attractions
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement features the text, “CU in the NT” written in bold white lettering against a background image of Uluru and other NT destinations.

THE COMPLAINT

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

The word CUNT is extremely denigrating to women, and given the rise of domestic violence in Australia there is no excuse for using it at all let alone in an ad campaign. Its not funny or witty and is clearly designed to grab attention by getting people to look at an ad that says CUNT in bold letters.

It is also promoting the acceptance of a highly derogatory term used instead of vagina and is offensive to women in general.

Having the word Cunt highlighted also draws the attention to everyone under 18 who views it. It is on social media sites requiring a minimum age of 16 for use. This ad would not be allowed on TV or in print media, I expect the use of the word would also require the ad to be R rated.

Cunt is a highly offensive swear word.

It is crass, offensive and not suitable to be displayed where children can see it.

I find this offensive to use this word in an advertising campaign and on promotional material, like t-shirts etc, that can be worn around by everyday people and there is no censorship on

who is exposed to this. I am concerned about how this campaign will be viewed by overseas visitors to Australia, particularly as it involves one of our most sought after tourist destinations. I find the word highly offensive and derogatory to women and I do not think it is appropriate to use in a tourism advertising campaign. There are plenty of other ways to be "fun and tongue in cheek" without using offensive words or suggestions of offensive words in your logo and promotional material.

THE ADVERTISER'S RESPONSE

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

We are writing on behalf of NT Official in response to your letter.

We have read the text of the three complaints attached to your letter. Whilst it is not clear to us exactly which "advertisement" (if any at all) is referred to in those complaints, we believe that the complainants may be referring to a Facebook post in the form of the attached.

As set out below, however, we also note that NT Official's Facebook posts featuring its unique t-­shirt designs have received broad media coverage, including the ABC Report referred to in one of the complaints. It may be that the complaints made to the ASB do not properly relate to advertising material but rather to products sold by NT Official and referred to in media reports.

For the purpose of responding to the complaints, we set out below some background about our organisation and our products, together with the social media guerrilla campaign in relation to those products.

NT Official

NT Official is a guerrilla group which aims to promote travel awareness to the Northern Territory region, specifically targeting young adults. NT Official is selling t-shirts and stickers as part of the campaign.

Our social media campaign has involved some Facebook posts, Instagram posts and two days of paid Facebook advertisements, largely in the form of the attached.

Two days after launch, our campaign went viral after being reported in media specific publications such as Mumbrella. Mainstream media including the Huffington Post, the Daily Mail, Fairfax and NewsCorp publications have since generated a much broader audience for our business and our products than any advertising material.

Our products, including t-­shirts and stickers feature the slogan "CU IN THE NT". The wording on the attached Facebook post reads as follows:

"Do you the Northern Territory – Australia's Outback? Tag your friends and say "CU in NT!"

Get the shirt at www.ntofficial.com while stocks last!

*#northernterritory#topend#travelgoals#outbackaustralia#cuinthent”
“CU IN THE NT”*

As far as we are aware, the spoken phrase “CU IN THE NT” has been around for many years as have other phrases such as “CU next Tuesday”, all of which are forms of acronyms that play on the “C” word. In this sense, they are no different to all words and acronyms such as “WTF” and “LMFAO” which the ASB acknowledges do not constitute “offensive language” for the purposes of the Code.

The words have passed into popular usage in Australia, especially amongst young adults, so much so that the front page of the Daily Telegraph, the day after the US election, largely featured the word “WTF” as shown in the following image.

Other famous brands, such as French Connection UK, also commonly use the acronym FCUK in all forms of branding, advertisements and clothing designs in an obvious, yet still playful, reference to the “F” word as shown below [images provided].

Our aim in using the terms “CU IN THE NT” was clearly not to cause offence, as we deliberately avoided the alignment of the relevant letters of the “C” word. Instead, we have employed a catchy and humorous device to bring attention, by public discourse, to the wonders of the Northern Territory. As all of our paid advertisements were directed to users over the age of 18 years, we believe that there has been no inappropriate use of language. Further, by virtue of the deliberate layout of the words used, there is no actual use of obscene language.

Just as was the case in “BCF... ING” advertisement considered by the Advertising Standards Board recently, the tone of our social media posts and products is light, humorous and fun without a hint of aggression or violence.

In our view, it would be a very dangerous precedent to find that our “CU IN THE NT” campaign amounted to a breach of the Code. By doing so, the Advertising Standards Board would be curtailing use of clever tactics designed to avoid offence and unnecessarily limit artistic creativity. Further, such a move would impose an overly strict moral view on a fine tradition of Australian humour and in particular the great tradition of the Aussie larrikin. It seems to us that there may be a genuine public interest issue regarding the limits of tongue in cheek humour and what may be considered offensive, but this is a debate which should be had on the basis of all the available facts and not only on the basis of a handful of complaints received by the Advertising Standards Board.

In addition, the ASB should take into account the fact that there appears to have been no reluctance among any of Australia’s mainstream media to reproduce any of our social media posts and our product lines which feature the phrase “CU IN THE NT”. In referring to our posts and products, those media outlets have engaged in lengthy discussion about the use of the phrase “CU IN THE NT”. There has been no use of the use of the phrase “C...” which would normally be used by the media if an offensive word was being referred to. In our view, this is an indication that the words “CU IN THE NT” are in fact not offensive and are appropriate for general public consumption, discourse and information. Examples of such media articles are attached to this response.

Having regard to the Advertising Standards Code as a whole, we do not see any basis for complaint regarding other aspects of Section 2 including discrimination or vilification on gender grounds, objectification of women, domestic violence or sex, sexuality and nudity. Neither our social media posts nor our products make any reference or distinction along gender lines and do not advocate anything other than an appreciation of the natural beauty of the Northern Territory.

In the circumstances, we do not believe there is any basis for a complaint to be upheld, either on the grounds outlined in your letter or otherwise.

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 complainants’ concerns that the advertisement featured the word ‘cunt’ which is obscene and inappropriate.

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 the Facebook advertisement featured the text “CU in the NT” written in large white lettering against a backdrop of Uluru and other NT destinations.

The Board noted that the abbreviations ‘C U’ and ‘NT’ are commonly used to replace ‘see you’ and ‘Northern Territory’ and that most people who viewed the advertisement would be aware of this. The Board considered that the abbreviations may have their own meanings but the advertisement had been clearly designed to highlight letters to form a strong reference to the word ‘cunt’.

The Board noted community standards research into language had shown that the community considered the ‘c-word’ to be obscene and not appropriate in advertising in any form.

The Board noted that the advertisement was on Facebook and therefore only likely to be seen by people over the age of 13, however considered that even for an adult audience the word was inappropriate for use in an advertisement.

The Board considered that the advertisement did use strong, obscene and 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 complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination.

The ASB will continue to liaise with the advertiser and Facebook to seek compliance with the Board's determination.