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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0573/17
2	Advertiser	Brand Collective
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/01/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language

DESCRIPTION OF THE ADVERTISEMENT

A Poster advertisement for Volley with the words "Fuck" and "Off" on the poster.

THE COMPLAINT

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

The advertising uses an offensive term. It is very visible to family and children. It uses an offensive word/term to promote the product. The words use, FUCK OFF, are against community standards and decency. I was offended by the advertising because I don't want to be exposed to rude and foul words.

Really not appropriate for a public space that is frequented by people of all ages. It doesn't serve to advertise the products and is offensive in its language and lack of any sort of imagination. I am not happy with this being plastered around the city where





children frequent.

THE ADVERTISER'S RESPONSE

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

It is alleged that the posters displayed raise issues under section 2.5 of the AANA Advertiser Code of Ethics (the Code). This section 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."

Please note that we terminated the campaign on 15 December 2017 and we understand that all posters will have been posted over with new campaign images, as is common practice for such sites.

The posters displayed at the complaint sites and other strategic locations around Melbourne are part of a broader Volley "Fuck Off" advertising campaign.

The target market for the campaign is the men and women aged 20 to 35. The messaging behind the campaign is as follows:

The campaign is a representation of your piece of mind towards everyone and everything that has ever held you back. We say go for it! When you're smashing it at your own life and sticking it to the haters, we have your back. We are all unique, we are all individuals with different opinions, so go on, be whatever you desire!

The media depiction is the two words "Fuck" and "Off" and a separate picture of a hand flipping the finger. There is also volley.com.au under the hand. Reviewing the elements of section 2.5 of the Code, we submit that there is, somewhat arguably, no contravention.

Language, we acknowledge that the language is not ideal. Even though the word "Fuck" is obscured by a hatched line, we concede that it may still be understood to be the word "Fuck". In our defence, we would submit that the word "Fuck" has now entered common usage and its ability to cause offence has been greatly diminished over the years. Appropriate in the Circumstances, we conceded that some sites where the poster was deployed may not have been appropriate in the circumstances.

Strong and obscene language, as previously stated, we would submit that the word "Fuck" has now entered common usage and its ability to cause offence has been greatly diminished over the years.



In reviewing the other sub-sections in section 2 of the Code, we do not believe any other subsection of section 2 are relevant to the complaints.

Conclusion

We submit that it is somewhat arguable that the posters do not breach the Code, if it is accepted that the word “Fuck” has now entered common usage and its ability to cause offence has been greatly diminished.

The poster series should be considered in the context of the target audience of men and women aged 20 to 35.

Further, the campaign has been terminated on 15 December 2017 and no posters should now be visible in public places.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the language used is obscene and not appropriate for a public space.

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 this advertisement consists of two posters side-by-side. The first poster has the words ‘FUCK OFF’ written with a red and black hatched line through the word ‘fuck’. The second poster is a cartoon image of a hand with the middle finger up and the advertiser’s website underneath.

The Board noted the complainants’ concerns that this is an offensive term in a public space which is frequented by people of all ages.

The Board noted the advertiser’s response that the target audience was people aged between 20 and 25. The Board also noted that the advertiser’s response also stated that the language was not ideal and upon review some of the sites the posters were displayed may not have been appropriate.

The Board noted that the word ‘fuck’ was partially obscured however considered that



most people would still be easily able to see and understand what was written.

The Board considered the advertiser's assertion that the word 'fuck' has entered common usage and its ability to cause offense has diminished over the years.

The Board noted that it has consistently determined that the word 'fuck' is considered to be a strong and obscene term and is not appropriate in advertising that is likely to be seen by a broad audience which would include children (0513/16, 0360/16 and 0034/17). The Board also noted its community standards research (https://adstandards.com.au/sites/default/files/2017_community_perceptions_web.pdf) which supported the Board's view that, particularly in public areas and areas where children can see the material, the community view is that this term is strong or obscene language.

The Board noted that in this material the word 'fuck' is not used on its own. Rather the advertisements uses the phrase 'fuck off' in conjunction with the image of the hand with its middle finger up the tone of this advertisement. In the Board's view the phrase and image are aggressive and added to the impact of the language.

Consistent with previous determinations the Board considered that the advertisement did use strong and obscene language. The board also considered that the language and image were not appropriate for the relevant broad audience. 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

You have asked up to provide an Advertiser's Statement advising the measures that we have taken in response to the determination. We confirm the following:

"In response to the Advertising Standards Board's determination of Case 0573/17 dated 24 January 2018 where the ASB determined that the advertisement breached one or more of the AANA Advertiser Code of Ethics (the "Code") administered by the ASB, we confirm that the following measures have been taken:

- The campaign using the Billboard or Poster that was found to be in breach of the Code was terminated on 16 December 2017 and will not be reactivated
- We do not intend again to display any Billboards or Posters that contains the advertisement found to be in breach of the Code."

We therefore ask that the case report when published include the heading:



“Complaint Upheld – Advertising Modified/Discontinued”.