



CASE REPORT

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| 1. Complaint reference number | 34/10 |
| 2. Advertiser | Fauk (Fauk n Fat) |
| 3. Product | Health Products |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 10 February 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement is headed Fauk n Fat. It has a picture of a woman with a roll of fat around her middle falling out over the top of her pants and she is holding her stomach with her hands.

THE COMPLAINT

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

The advertising mail can be collected by children and read by children. Why should advertising material actively promote obscene and offensive material. Fauk n fat - are you fauk n. Fat - if I walked up to someone and said are you fauk n fat - they would be totally offended. I think it is shameful that the advertising standards boards, or whoever approves such material allows it to be actively promoted. I know the word f#ck is no longer considered offensive, unless it is in an offensive context, but the blatant advertising of such slogans is offensive to some of those that read it, especially children, the elderly.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Our name is fauk (fork), not a swear word.

In relation to the complainant thinking it is offensive to tell people they are fat. He/she is not a health professional nor is he/she attempting to be competitive in the most BS filled industry in Australia. fauk.nFat (fauk and fat).

Instead of listening to his/her own dirty mind, maybe should have read the flyer to see that what we are doing has more integrity and morals behind it than any other program in AUS.

If complainant took time to read the first paragraph of our website he/she could have understood. www.fauk.com.au (below)

Last thing. 150000 flyers delivered = 1 complaint.

Why are we called fauk.? Think about it....it's a play on the word 'fork' because we offer a multi-pronged approach to achieving a healthy weight... but we admit we also spelt it this way because fauk.it we know the struggle that some overweight aussies face to achieve that weight. We want them to know and believe that life is there to be eaten up... so we make no apologies for our name!

In 2010 we are starting the "NO MORE BS" campaign, join "Lenny fauk" on face book for more details. Launch 1st December 2009. Join us to stop the BS and create a healthier Australia.

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 concern that the advertisement was obscene and offensive. The Board noted the advertiser's response and viewed the advertisement.

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 and strong or obscene language shall be avoided."

The Board noted that the product/service is a health product and that the word fauk is a play on the word fork because they offer a multi-pronged approach to achieving a healthy weight.

The Board noted that there was a level of ambiguity in the word "fauk" and that the medium used to advertise the product gave the word some context. The Board agreed that the word was likely to be offensive to some members of the community. However, the Board considered that most members of the community would not consider the word "fauk" obscene or strong. The Board noted that the word is part of the advertiser's business name and that therefore the use of the word was not inappropriate. The Board determined that the advertisement was not in breach of section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.