

## Case Report

1. Case Number :	0025-24
2. Advertiser :	Funfields
3. Product :	Tourist Attractions
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	21-Feb-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Advertising to Childrens Code\2.1 Prevailing Community Standards  
AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features various scenes of people on different attractions at a theme park, yelling the word fun. The advertisement ends with a voiceover and text on screen stating "what the fun are you waiting for?"



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*The ad says what the 'fun' are you waiting for? The word 'fun' is obviously a used to suggest the slang 'fu#k'. I think this its discusting to use this in a ad marketed towards kids.*

*This ad is directed at children and the final line of dialogue is "What the FUN are you waiting for"? Obviously the phrase is imitating "What the FUCK are you waiting for"?*

## THE ADVERTISER'S RESPONSE

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

*The whole campaign for the summer for Funfields leans into the word "fun". "What the fun are you waiting for" leans into a well used phrase "What the..." that is widely used in many ways. The fact two people have interpreted it that way they have may well reflect how they use the common phrase "what the..."*

## THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Children's Advertising Code (the Children's Code) or the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is inappropriate for advertising targeting children.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

### Does the advertisement target children?

The Panel noted that the Children's Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

- 1. Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
- 2. Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
- 3. Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

*"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product,*

*the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*“In relation to the third criteria, measures to determine if Children are likely to be a ‘significant proportion’ of the expected average audience may include one or a combination of the following:*

- Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children’s event or concert that is incidental to the ad placement, the audience of that incidental Children’s concert or event will not be captured.*
- C&P programmes.*
- Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision).”*

**Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?**

The Panel considered that the advertised product is a theme park and considered that this was a product or service that would be significantly appealing to children.

**Point 2: Is the content of the advertisement principally appealing to children?**

The Panel considered that the advertisement depicts various groups of people using the attractions at the theme park. The Panel noted that it appears all the people in the advertisement are older teenagers or adults.

The Panel considered that while the music background and visual imagery would be attractive to children, they would be equally attractive to older teenagers and adults.

Overall, the Panel considered that the content of the advertisement has broad appeal, and therefore was not principally appealing to children.

**Point 3: Does the expected average audience of the advertisement include a significant proportion of children?**

The Panel noted that the complainants viewed the advertisement during late evening in the M rated Gladiator movie and late afternoon during quiz show The Chase.

The Panel noted that the advertisement received a C classification, meaning it could play anytime except during Children's programming.

The Panel considered that although children may have seen the advertisement, the expected audience for the advertisement was unlikely to be over 25% children given the programming of an M rated film after 10.30pm, and that it was viewed during a quiz game show.

**Targeting children conclusion**

The Panel considered that while the product may have appeal to children, the content of the advertisement was not principally appealing to children and would also be of appeal to older teenagers and adults.

The Panel considered that the expected average audience for the advertisement would not include a significant proportion of children.

The Panel determined that the advertisement did not 'target children' (as defined by the Children's Code) and therefore the provisions of the Children's Code did not apply.

**Section 2.5: 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 that the complainant's were concerned that the advertisement references the word "fuck".

The Panel noted that the people in the advertisement all scream "fun", and the speech bubble over the mouths uses that text. The Panel noted the end of the advertisement states "What the fun are you waiting for", both verbally and in text.

The Panel considered that while some adults may infer other language, the advertisement does not use inappropriate language.

**Section 2.5 conclusion**

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

## **Conclusion**

Finding that the advertisement did not breach any other section of the Children's Code or the Code of Ethics the Panel dismissed the complaints.