

COMPLAINT NUMBER	17/110
COMPLAINANT	P Everett
ADVERTISER	Forktruck Specialists Ltd
ADVERTISEMENT	Forktruck Specialists Ltd, Radio
DATE OF MEETING	26 April 2017
OUTCOME	Not Upheld

SUMMARY

The 30-second radio advertisement for Forktruck Specialists Ltd services played on The Sound radio station and used a play on the word “fork” as in “forklift” to suggest the swear word “fuck” and the advertisement ended with a gruff “fork yeah.”

The Complainant said the use of “fork” in place of “fuck” was offensive, particularly used “about eight times in less than a minute”.

The Complaints Board said the advertisement was similar to two precedent advertisements that had generated complaints. These complaints had been Not Upheld. In all cases humour was intended and inoffensive words had replaced swear words. Offensive words had not been overtly used. The complaint being considered was particularly similar to Complaint 15/153 which related to a Vent Mechanical advertisement in which the word “truck” was used as if it could have been “fuck.”

Accordingly, the Complaints Board ruled the complaint was Not Upheld

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints board to consider the complaint with reference to Basic Principle 4 and Rules 4 ad 5 of the Code of Ethics. This required the Board to consider whether or not the advertisement contained anything which clearly offended against generally prevailing community standards or was likely to cause serious or widespread offence taking into account the context, medium, audience and product. The Complaints Board was also required to consider whether or not the advertisement had been prepared with a due sense of social responsibility.

The Complaint

The Complaints Board first addressed the Complainant's concern that the advertisement employed the word “fork” in place of the commonly used swear word “fuck.” The Complainant said examples of juxtaposition of these terms were “we won't fork you around” and “we'll give you a forking good deal.” The Complainant said: I find this offensive, particularly when the word is used about eight times in less than a minute.”

The Advertiser's response

The Complaints Board then turned to the Advertiser's response. The Advertiser, Forktruck Specialists Ltd, said the advertisement, which took the form of a humorous play on the word "fork," was targeted to males between 35 and 59, the target market for The Sound radio station. This was also the age group of the predominant users or owners of forklifts. The Advertiser believed the advertisement was unlikely to cause widespread and serious offence taking into account the context, medium and audience. The Advertiser said the "fork" campaign had been running since May 1 and the previous advertisement had used the same play on words just as many times with no complaint.

The Advertiser suggested the removal of the "fork" campaign from The Sound Radio to run it on The Rock which had a target audience aged 24 to 44 and had a reputation for pushing boundaries.

The precedents

To assist in coming to its decision the Complaints Board reviewed two precedent decisions, Complaint 15/153 and Complaint 16/129 both of which were Not Upheld.

The first precedent decision 15/153 concerned a radio advertisement for Vent Mechanical's services which included attendance to breakdowns and diagnostic issues and provision of spare parts. This advertisement said in part: "Aw truck it. My trucking truck is trucked! Need to vent? Talk to your Vent Mechanical repairers, they service and repair all makes and models of truck and much more..."

In its decision the Complaints Board said taking into account the use of humour and the context, medium, audience and product being advertised as well as findings in a previous decision (14/627) the advertisement was unlikely to cause serious or widespread offence to most people and did not offend against generally prevailing community standards.

The second precedent decision 16/129 concerned a television advertisement for Handee Ultra and showed various people cleaning up domestic spills with a handy towel and exclaiming "sheet" each time. The advertisement concluded with the message: "This is the good sheet." In its decision the Complaints Board said the advertisement did not reach the threshold to cause serious or widespread offence as it did not contain any expletives and clearly employed humour. The Complaints Board said the advertisement targeted an adult audience and the Advertiser had taken steps to ensure the advertisement was not played when significant numbers of children were likely to see it.

The Complaints Board discussion

The Complaints Board first noted the word "fork" in place of the offensive word "fuck" was used fewer times in the 30-second advertisement than had been counted by the Complainant.

The Complaints Board observed the actual expletive "fuck" was not used in the advertisement being considered.

The Complaints Board said that the advertisement, with its intended humour, was similar to the two precedent advertisements, particularly 15/153, the Vent Mechanical advertisement, which repeatedly used the word "truck" as if it could have been "fuck." The Complaints Board noted both precedent advertisements and the Advertiser's advertisement used inoffensive words in place of swear words.

The Board also noted that the word “fork” is in the Company name so there was context for the humour used in the advertisement.

The Complaints Board noted that the Advertiser had considered changing the placing of the advertisement from The Sound radio station to The Rock but the Complaints Board view was that the audience it currently played to was appropriate as it was made up largely of adults and not children. The Board therefore concluded that the advertisement has been placed responsibly.

Taking the above into consideration, the Complaints Board said that the word “fork” and “forking” as suggestive of “fuck” was unlikely to offend against generally prevailing community standards and did not reach the threshold to cause serious or widespread offence to most people. The Complaints Board agreed the content of the advertisement did not breach Rule 4 or Rule 5 of the Code of Ethics. The Board also agreed that the advertisement did not reach the threshold to breach Basic Principle 4 as it had been prepared with a due sense of social responsibility.

Accordingly the Complaints Board ruled to **Not Uphold** the complaint.

DESCRIPTION OF ADVERTISEMENT

The 30-second Forktruck Specialist Ltd radio advertisement played on The Sound radio station and consisted of a male voiceover saying: “No, you don't want to spend forkloads on forklift repairs which is why they guarantee you won't find lower prices anywhere in Dunedin with their forking wide range of services and over 30 years of experience. You won't have to compromise for price at Forktruck Specialists, locally owned and operated, no job is too big or too small. So for a forking good quote give Forklift Specialists a call, under F in the White Pages. Fork yeah.”

COMPLAINT FROM P EVERETT

The advertising was from a company called Fork Truck Specialists and the advertising repeatedly used the word "fork" in place of common use swear word "fuck" eg "we won't fork you around" and "we'll give you a forking good deal". I find this offensive- particularly when the word is used about 8 times in less than a minute.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 4: Decency - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5: Offensiveness - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

RESPONSE FROM ADVERTISER - FORKTRUCK SPECIALISTS; AND MEDIA - MEDIAWORKS

The advertisement in question takes the form of a 'humorous' play on the word FORK.

It's designed to grab attention of our target market of 35 – 59 year old males (The target market for the Sound Radio Station.) Who predominantly use or own Forklifts.

Because the media/station in which the client and the creative team behind the commercial thought it would be unlikely to cause widespread or serious offence when taking into account the context, medium, audience.

We respectfully request the complaint be Not Upheld as we do not believe given the target audience/station the ASA codes have been breached.

1. **Decency** – Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).
2. **Offensiveness** – Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

However – I am suggesting that we **remove** the commercial from the SOUND Radio station and place this 'FORK' campaign on the ROCK (24 – 44 AGE target).

With a reputation for boundary pushing material this is possibly a better platform.

For this type of humor and delivery. We have been running this add since May 1st however the previous add used the very same play on words just as many times and ran from April 2016 without a single complaint and in fact many many good comments from clients etc.