

COMPLAINT NUMBER	17/246
COMPLAINANT	B Patty
ADVERTISER	Auckland Live
ADVERTISEMENT	Auckland Live, Digital Marketing
DATE OF MEETING	31 August 2017
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand Herald digital advertisement for the Auckland play named *Cock*, shows a man's face with the word COCK overlaid on it.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, B Patty, said: I feel that placing an ad displaying the offensive word "Cock" at breakfast time when children could see it (and click on the link detailing adult themed content) is inappropriate. After 9 pm please.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 4, Rule 5.

The Chair noted the Complainant's concern that an offensive word was appearing on the New Zealand Herald website at an inappropriate time of the morning.

The Chair confirmed *Cock* was the title of the play, which the Advertising Standards Authority does not have jurisdiction over. However, the Chair referred to precedent decision 15/183 which dealt with a complaint about a billboard for a the "Greedy Bastard Burger". That decision said in part:

"The Complaints Board confirmed it did not deal with complaints about product names /company names in isolation. There may be circumstances when the name of a product or a company created an issue when used in advertising, however, the ASA does not have jurisdiction to require a company to change the name of its product or brand (with the exception of alcohol products, see the Code for Advertising and Promotion of Alcohol.) However, in the case before it, the Complaints Board noted the complaint was about the use of an expletive on a billboard advertisement promoting a burger. Therefore, in this instance the Complaints Board confirmed it did have jurisdiction to consider the complaint."

Taking in to account the precedent Decision, the Chair confirmed that it was possible to consider the use of the word "cock" within an advertisement and its placement.

Turning to the advertisement before her, the Chair noted the digital platform was a news website which was aimed at an adult audience.

The Chair noted the self-regulatory action taken by the Media to minimise the risk of further offence by adjusting the placement of the advertisement to appear after 7pm in the entertainment and life-style sections.

The Chair said *Cock* was the title of the play and in that context the use of the word did not reach the threshold to be likely to cause serious or widespread offence required to breach the Code of Ethics.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**