

<b>COMPLAINT NUMBER</b>	19/463
<b>COMPLAINANT</b>	J Montalto
<b>ADVERTISER</b>	First Credit Union
<b>ADVERTISEMENT</b>	First Credit Union, Billboard
<b>DATE OF MEETING</b>	22 January 2020
<b>OUTCOME</b>	Upheld Advertisements to be Removed

### **Description of Advertisement**

The billboard advertisement for First Credit Union has a photo of a woman with her head to one side and her arms outstretched, with the palms facing upwards. The text says “Say FCU to your bank. Personal loans from 9.95%”. The logo “f1rst credit union” is at the bottom right corner of the advertisement. The billboard is located on Hewletts Rd in Tauranga.

### **Summary of the Complaint**

The Complainant was concerned the advertisement is inappropriate because it is insinuating the phrase “Say fuck you to your bank”.

### **Issues Raised:**

- Social Responsibility
- Decency and Offensiveness

### **Summary of the Advertiser’s Response**

The Advertiser said FCU is their name and their brand. They believe the billboard advertisements are not offensive.

### **Summary of the Complaints Board Decision**

The Complaints Board upheld a complaint about a billboard advertisement for First Credit Union which said “Say FCU to your bank”. The Board said the advertisement was likely to cause offence because the phrase “Say FCU to your bank” is likely to be read as “Say fuck you to your bank” and the word “Fuck” is generally regarded as offensive. The billboard medium meant the advertisement has an unrestricted audience.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### ADVERTISING STANDARDS CODE

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1 (c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to three precedent decisions, Decisions 19/045 and 19/432, both of which were Upheld and Decision 15/182, which was ruled No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 19/045** concerned an outdoor poster advertisement for Remedy Kombucha which showed a photo of a hand holding a bottle of Remedy Kombucha with the text: “TELL SUGAR TO GET FRUCT”. The Complaints Board agreed the use of the word “Fruct”, as contained in the phrase “Tell sugar to get fruct”, was offensive. This is because the word “Fruct” acts as a place holder or euphemism for the word “Fuck”, which is generally regarded as offensive. The Complaints Board said the poster advertisement was located in public places, such as shopping malls, and this means there was unrestricted access for anyone in the vicinity, including children.

**Decision 19/432** concerned a billboard advertisement for PAKn’SAVE, which said “Ruck Me! That’s low prices...” The billboard was located on a street corner in Auckland.

The Complaints Board said the use of the phrase “Ruck me” in the advertisement was offensive. This is because the word “ruck” acted as a place holder or euphemism for the word “Fuck”, which is generally regarded as offensive.

**Decision 15/182** concerned a television advertisement for Contact Energy which featured children playing with puppets and dolls. Included in their play were scenarios which included the use of expletives. The conversation between the children stated, in part:

“Mummy says the f-word is a very bad word. The only time it is ok to say it is when someone crashes into your car... there’s another one that is not ok to say which means a lady dog. One day Dad goes ‘son of a lady dog, have you seen the power bill?’”

The Chair of the Complaints Board ruled there were no grounds for the complaint to proceed. The Chairman said the advertisement clearly employed hyperbole and was of the view there was nothing in the advertisement which was likely to be considered to cause serious or widespread offence to most people and nothing which clearly offended against prevailing community standards taking into account the context, medium, audience and product being sold.

## Complaints Board Discussion

### *Consumer Takeout*

The Complaints Board agreed the consumer takeout of the advertisement was First Credit Union will give you a better deal on a loan than your current bank. The phrase “Say FCU to your bank” is a play on words and encourages the consumer to challenge their loyalty to their bank. The average consumer is likely to associate this phrase with the phrase “Say fuck you to your bank”.

### *Who is the audience?*

The Complaints Board said the full-size billboard advertisement was located on a busy road which is the main route from Tauranga Airport into the city centre. As a billboard it is an unrestricted medium, able to be viewed by anyone who is passing, including children. The Complaints Board noted the Advertiser’s intention to target the advertisement at the 18+ audience but said this medium did not achieve that.

### *Is the advertisement offensive?*

The Complaints Board said the billboard advertisement was likely to cause serious or widespread offence. This is because the inclusion of the word “Say” in the phrase and call to action of “Say FCU to your bank” influences the tone of the message and is likely to be read as “Say fuck you to your bank”.

The Complaints Board said a precedent decision, 19/045, applied directly to this complaint. In that decision the Board said the word “Fruct” in the phrase “Tell sugar to get fruct” acted as a place holder or euphemism for the word “Fuck”, which is generally regarded as offensive.

The Complaints Board noted the Advertiser’s comment that “FCU is our name, it’s our brand”. The Board said the use of the brand name FCU, on its own, would not be considered offensive. The Board noted that the advertisement uses two different brand names, “FCU” and “f1rst credit union”, and the link between the two may not be obvious to people viewing a billboard.

### *Has the advertisement been prepared and placed with a due sense of social responsibility to consumers and to society?*

The Complaints Board said the advertisement has not been prepared and placed with a due sense of social responsibility to consumers and to society, taking into account the context, medium, audience and product being sold. This is because it contains a term likely to be read as an expletive, which is likely to cause serious or widespread offence.

The Complaints Board said the billboard was in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

## Outcome

The Complaints Board ruled the complaint was **Upheld**.

Advertisements to be removed.

### APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.

## APPENDICES

1. Complaint
2. Response from Advertiser

### Appendix 1

#### COMPLAINT FROM J MONTALTO

The advertisement is on a billboard above the Hewletts road flyover in mount Maunganui and it says 'say FCU to your bank'

It is advertising loans from first credit union.

It is not directly swearing however it is very clearly insinuating the phrase 'say fuck you to your bank'.

I think it is highly inappropriate that people of all ages are exposed to this advertisement, and feel that is disgraceful that the company is effectively normalising the term 'fuck you'. My wife teaches in an all boys secondary school and the things kids are exposed to currently, and what is normal to them is shocking.

It is not ok that banks and similar companies can attempt to relate to 'the average kiwi' by using terms like this.

### Appendix 2

#### RESPONSE FROM ADVERTISER, FIRST CREDIT UNION

A basic, neutral description of the advertisement	The advertisements are promoting FCU's personal loan product.
Date advertisement began	1 <sup>st</sup> August 2019
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	<p>The actual creative has run across;</p> <p><b>Online</b></p> <ul style="list-style-type: none"> <li>• Facebook</li> <li>• Google Display</li> <li>• Stuff.co.nz</li> <li>• Rotorua Daily Post</li> </ul> <p><b>Billboards</b></p> <ul style="list-style-type: none"> <li>• Taupo (GO_TAUP1-61)</li> <li>• Hamilton (80501 – Te Rapa)</li> <li>• Tauranga (42602 – Mt Maunganui)</li> </ul> <p>The specific creative is part of a wider campaign which is running multiple media channels.</p>
Is the advertisement still accessible – where and until when?	<p><b>Online</b></p> <ul style="list-style-type: none"> <li>• Facebook 1<sup>st</sup> Aug 19 -30<sup>th</sup> May 20</li> <li>• Google Display 1<sup>st</sup> Aug – 30<sup>th</sup> May 20</li> </ul>

<p>A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.</p>	<p>Attached to this will be digital media files.</p>
<p>Who is the product / brand target audience?</p>	<p>The campaign is built around brand awareness, encouraging the public to have the conversation with their banks about FCU and our personal loan product (which has no fees).</p>
<p>Clear substantiation on claims that are challenged by the complainant.</p>	<p>FCU adverts do not use offensive, degrading or provocative copy and/or images to attract attention or promote the sale of the personal loan product or FCU's services.</p> <p>FCU is our name, it's our brand. We abbreviate our name to FCU in many mediums, including, but not limited to: Our website, advertising in our communities, media releases, annual reports and on our social media sites. Examples of our use of this abbreviation will also be attached to this document for your reference.</p> <p>FCU adverts are location and age targeted at 18yrs+ and the messaging does not take the grounds for offence to gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; gender identification; marital status; family status; disability; occupational or employment status.</p> <p>FCU adverts are targeted to 18-44yrs within all media channels and do not exploit, degrade, denigrate, demean or objectify any person or group of people or any products, services, objects or places.</p> <p>FCU adverts do not stereotype or simplify communication in relation to both the loan product offered and the intended consumer. None of the adverts feature stereotypical roles or characteristics which, through their content and context, are likely to be harmful or offensive to people, particularly children and young people. There is no mocking of people, any portrayal of activity or product as being inappropriate for a girl or boy. None of the adverts portray men or women failing at a task that is stereotypically</p>

	<p>associated with the opposite sex.</p> <p>FCU adverts do not include any irresponsible or offensive depictions of differences including race, body shapes and sizes in their adverts.</p> <p>FCU adverts do not cause harm or serious widespread offence of people and groups.</p> <p>FCU adverts are targeted to 18yrs+ and do not use sexual imagery or language.</p> <p>Whilst we appreciate that our media mix may occasionally be seen by a younger audience, they are not our target for the campaign.</p>
<b>For Digital advertisements:</b>	
<p>What platform tools have you used to target your audience?</p>	<p><b>Google Search:</b> Keyword Planner, Custom Audience lists (for remarketing), 18yrs+ age targeting and location targeting.</p> <p><b>Facebook:</b> Interest, 18yrs+ age, Demographic and location targeting</p> <p><b>Google Display:</b> interest, age 18yrs+, location and demographic targeting.</p> <p><b>Stuff Display:</b> Geo targeting and 18-44yrs</p> <p><b>NZME:</b> Geo targeting and 18-44yrs</p>