

<b>COMPLAINT NUMBER</b>	19/417
<b>COMPLAINANT</b>	C Fraser & S Paurini
<b>ADVERTISER</b>	Circa Theatre
<b>ADVERTISEMENT</b>	Circa Theatre Poster
<b>DATE OF MEETING</b>	10 March 2020
<b>OUTCOME</b>	Not Upheld No further action required

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

The Complaints Board did not uphold a complaint about a poster advertisement for a play at Circa Theatre. The Board said the advertisement did not reach the threshold to cause serious or widespread offence. The Board said the word “Cock”, which was the name of the play being advertised, has several different meanings, some of which were relevant to the themes in the play.

### **Description of Advertisement**

The billboard advertisement for a play at Circa Theatre Wellington showed a photo of two men hugging, one looking towards the camera. The text “Boy meets girl – meets his boyfriend” was written in white above the title of the play. The title “Cock” was written in large red letters.

### **Summary of the Complaint**

There were two complaints about this advertisement. One Complainant was concerned the billboards on the Wellington waterfront were offensive and inappropriate for a family area. The other Complainant had similar concerns saying that even hinting at sexual situations is not appropriate in diverse public spaces.

### **Issues Raised:**

- Social Responsibility
- Decency and Offensiveness

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

The Advertiser defended the advertisement but regretted any offence that was caused. The Advertiser said the play was written after the playwright had seen a cock fight in Mexico and this sport can be seen as a good metaphor for the theatre.

## 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 10/056 and 17/395 which were Not Upheld and Decision 17/246 which was No Grounds to Proceed.

The full version of all decisions since 2012 can be found on the ASA website:

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

**Decision 10/056** concerned a billboard advertisement for the TV One programme “Hung”. A majority of the Complaints Board was of the view that although offensive to the Complainants, the advertisement did not reach the threshold to be likely to cause serious or widespread offence, or to clearly offend, in the light of generally prevailing community standards.

**Decision 17/395** concerned a poster advertisement for the play ‘*Venus in Fur*’. The poster showed a man and woman from the waist up about to kiss. The woman is wearing a top and the man is topless. The Complaints Board acknowledged the advertisement was provocative in that it showed a passionate embrace but said it did not reach the threshold to offend against generally prevailing community standards or cause serious or widespread offence.

**Decision 17/246** concerned a New Zealand Herald digital advertisement for a play showing in Auckland called *Cock*, which showed a man’s face with the word COCK overlaid on it. The Chair of the Complaints Board 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.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout was the advertisement was promoting a play called “Cock” at Circa Theatre, which appeared to be about a relationship between two gay men.

The Complaints Board noted the image of two men hugging and the text used in the advertisement was relevant to the product being advertised. The word “Cock” is the name of the play and the use of the word “Cock” is a play on words.

This is because the word “Cock” has several meanings, including a male bird, to ready a gun for shooting and it is a slang word for penis.

The Complaints Board noted that outdoor advertising has an unrestricted audience and this billboard was located in central Wellington.

*Was the advertisement likely to cause serious or widespread offence?*

A majority of the Complaints Board said the advertisement did not reach the threshold to cause serious or widespread offence. The majority said the picture in the advertisement was not offensive and the word “Cock” has different meanings, some of which are relevant to the play being advertised. It also took into account it was the name of the play.

A minority disagreed. The minority said the advertisement was likely to cause serious offence. This is because of the word “Cock” in big red letters. The advertisement was located in a high traffic area and children seeing it would know it was referring to male genitals and sex. The word “Cock” is ranked as number eighteen on the Broadcasting Standards Authority list of the “2018 Most Unacceptable Words in Broadcasting”.

*Was the advertisement prepared and placed with a due sense of social responsibility?*

A majority of the Complaints Board said the advertisement had been prepared and placed with a due sense of social responsibility.

A minority disagreed. The minority said the advertisement had not been prepared and placed with a due sense of social responsibility. This is because the advertisement is likely to cause serious offence and had an unrestricted audience.

In accordance with the majority, the Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

### **Outcome**

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

### **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 calendar days of receipt of this decision.

## APPENDICES

1. Complaints
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT FROM C FRASER

Billboards wellington waterfront advertising a play cock...by circa theater i find it offensive, plastered everywhere, my grandchildren and i flew int wellington for the weekend, the kids were embarrassed to look at the signs if they were to plaster signs around their school with cock on them they would be a whole lot of trouble. This is family area, and i found it very offensive, it made me leave wellington with a slight bad taste in my mouth that this is allowed

#### COMPLAINT FROM S PAURINI

Posters around welling central city

<https://www.circa.co.nz/package/cock/>

The posters are around Wellington city. If there were two women embracing each other in this way and the word 'Cunt' was written in full view on the poster there would be complaints as well. Similarly to the NZAF campaign 'Rules of a Fuckbuddy' this type of obviously suggestive marketing is not appropriate in the central city where families and children and genuinely conservative citizens spend their time. If they used a picture of a rooster or some kind of clever Innuendo/Double Entendre/pun then that would be acceptable. The current example is too coarse. It could offend a large number of mature adults - also how can this be explained to to children or young teens? It is possible or even likely in the current era that children and teens are aware of it's strongly implying but I believe that pornography, soft pornography and even hinting at sexual situations is not appropriate in diverse public spaces.

### Appendix 2

#### RESPONSE FROM ADVERTISER,

To whom it may concern,

Circa Theatre presented the production of the play COCK by Mike Bartlett in Circa One from 12 October to 9 November 2019. The play was advertised on billboards outside the theatre, and posters inside the theatre from 6 October to 9 November; and posters around Wellington by Phantom Billstickers from 6 October until the end of October.

Circa programmed the play in the context that it had enjoyed successful seasons in Auckland, Sydney, London and beyond, and that the content had been acceptable in those theatrical environments.

Director Shane Boshier produced the Sydney and Auckland seasons and ran similar poster campaigns. The artwork drew on imagery from similar work in the field of modern gay politics and had not caused any offence within those markets.

The Wellington campaign was strategised by Shane with the distribution company 'Phantom Billstickers', and placement was intended to connect with urban, literate, arts and culture audiences (e.g. Vivian Street, Riddiford Street and Cuba Street). The poster campaign was scheduled to end, and in fact ended well before the completion of the season of the play.

Just to provide some background and context, English playwright Mike Bartlett (of *Doctor Foster* fame) wrote *Cock* in 2009 after he encountered a cockfight in Mexico. He became intrigued by how this blood sport could serve as "a metaphor for theatre: people gathering in an intimate space to watch creatures tear each other to bits". His play "embraces the spirit of a cockfight, with the Circa audience positioned arena style, watching three members of a love triangle as they battle it out, staking their claim on each other's hearts". Furthermore, in our 2019 brochure, a photo of a rooster accompanied the show listing.

Circa Theatre strives to bring quality playwriting and performance and the very best of New Zealand and the world to our Wellington waterfront and *Cock* has proved to be no exception as the reviews have been exceptional.

We thank you for bringing the complaints to our attention, and we regret inadvertently causing any offense.

### Appendix 3

#### RESPONSE FROM MEDIA, PHANTOM BILLSTICKERS

here's the artwork.

There were two kinds in equal distribution

Am I correct in thinking you've only had a complaint about the one with the two blokes on it and not the one that looks more hetero? Hmmmmm.

I did have a bit of a mull over whether we should run it - I never like campaigns that are designed to get a negative reaction or complaint as a means to amplify the campaign, if that makes sense. On balance didn't feel that this was applicable in this case. The word *Cock* is in such wide circulation with so many meanings (male chook, readying a gun for shooting, overconfident etc) that I didn't feel it would be right call to muzzle it.

Also, it's a play, a work of art, the title of someone's creative expression so I was less inclined to get censorious than we would have been for something where the offending terms was less integral to the project, or if it were simply selling a product where choice of language was less integral to the creation itself...

I guess that's a small number of complaints given size of the campaign. I know the theatre had large signage with basically the same artwork, too.

Here are photos of the campaign - "retail" in this context means indoor. The outdoor street posters are by nature more public and they're below the retail shots on this screen. Photos should show date taken and map is zoomable:

[Cock - phantom poster campaign October 2019](#)