

<b>COMPLAINT NUMBER</b>	20/001
<b>COMPLAINANT</b>	J Montalto
<b>ADVERTISER</b>	The Athlete's Foot
<b>ADVERTISEMENT</b>	The Athlete's Foot, Poster
<b>DATE OF MEETING</b>	17 February 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The full-size poster advertisement in its shop window for the retail store The Athletes Foot said: "The Athletes Foot. Back to School. We give a Fit. \$10 of selected school styles."

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

**Complainant, J Montalto, said:** Using the phrase "we give a fit" which is clearly insinuating the phrase "we give a shit."

The phrase seems to be the main headline of their advertising campaign and it is not acceptable to be obviously referring to a phrase with swearing in it.

This slogan is visible to all ages indiscriminately.

It is normalising swearing to children in everyday life

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);**

**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.

**The Chair** noted the Complainant's concern the advertisement is implying a swear word and potentially normalising swearing.

The Chair acknowledged the Advertiser was attempting to use humour by inserting an inoffensive word with a similar sound in place of a swear word and confirmed that humour and satire were permissible under the Advertising Codes. The Advertiser had used the phrase "We give a fit" which could be seen to echo the common phrase "We give a shit."

The Chair noted the word "shit" was ranked 30th of 31 words on the Unacceptable Words On Television and Radio 2018 list published by the Broadcasting Standards Authority.

The Chair noted that similar advertisements and concerns had been considered by the Complaints Board and the complaints had not been upheld.

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 the advertisement was unlikely to cause serious or widespread offence to most people and did not offend against generally prevailing community standards.

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.”

Turning to the complaint before her, the Chair said the advertisement was using a play on words to promote the company’s point of difference that it provides a professional fitting service to ensure school shoes fit properly.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the implication of a swear word in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. While acknowledging the Complainant’s concern that even the suggestion of a swear word in the advertisement could normalise swearing, the Chair said that based on the precedents, the advertisement did not meet the threshold to breach Principle 1 or Rule 1(c) of the Advertising Standards Code.

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

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

**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.