

COMPLAINT NUMBER	20/106
ADVERTISER	The Mad Hueys & North Beach
ADVERTISEMENT	The Mad Hueys & North Beach Out of Home
DATE OF MEETING	26 May 2020
OUTCOME	Upheld Advertisement to be removed

Summary of the Complaints Board Decision

The Complaints Board upheld a complaint about an outdoor billboard advertisement for The Mad Hueys which was located on the outside of the North Beach store. The advertisement included the text “Caught F *CK All Fishing Club.” The Board said the implied meaning of the text “Caught F *CK All Fishing Club” was obvious to the majority of consumers and was generally regarded as offensive.

Description of Advertisement

The out of home advertisement for The Mad Hueys, a clothing manufacturer, was located on the outside of the North Beach store at the Albany Mega Centre. It had the text “Caught F *CK All Fishing Club.” In place of the letter “U” in the word F *ck was the anchor symbol.

Summary of the Complaint

There were two complaints about this advertisement. The Complainants said the use of the F word is inappropriate in that setting, an outdoor billboard.

Issues Raised:

- Social Responsibility
- Decency and Offensiveness

Summary of the Advertisers’ Responses

The Advertisers defended the advertisement. They said the anchor is relevant to the nautical element of their brand and the phrase used is a humorous fishing reference. The Advertiser acknowledged the F word was offensive in the past but is now part of everyday language.

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 two precedent decisions, Decision 19/045 and 19/432 both of which were Upheld.

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 for Remedy Kombucha drink which showed a photo of a hand holding a bottle of Remedy Kombucha. The text said: “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 was located on a street corner in Auckland, and said “Ruck Me! That’s low prices... Sideline Supporter Deals.” 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.

Complaints Board Discussion

Consumer Takeout

The Complaints Board said there were two consumer takeouts from this advertisement. The first was the advertisement was promoting a fishing club, and you can be a lifetime member regardless of how good you are. The second was the advertisement was promoting a clothing brand, The Mad Hueys.

Audience

The Complaints Board noted the advertisement was an outdoor billboard located in a public place, a shopping centre, where it had an unrestricted audience.

Is the advertisement offensive?

The Complaints Board said the advertisement was offensive. The Board referred to two precedent decisions, 19/045 and 19/432, both of which contained text which implied the word ‘fuck’ , and were located in public places, where there was unrestricted access to the advertisement.

The Complaints Board said although consumers may have different interpretations about what the advertisement was promoting, the implied meaning of the text “Caught F *CK All Fishing

Club” was obvious to the majority of consumers and was generally regarded as offensive. The Board noted the word “fuck” is ranked in thirteenth place of the Broadcasting Standards Authority’s “2018 Most Unacceptable Words in Broadcasting” which assists the Board in assessing likely offence. The Board considered the Advertiser’s position that society had changed, and the word was no longer offensive. The Board agreed the word is more commonly used than it used to be, but when making its decision, the Board is required to consider context, medium, audience and product.

The Complaints Board said the use of the word ‘fuck’ to promote a clothing brand in an unrestricted advertising medium was likely to cause offence and was in breach of Rule 1 (c) of the Advertising Standards Code.

Is the advertisement socially responsible?

The Complaints Board said as the advertisement was likely to offend it was not socially responsible and was in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

Outcome

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

Advertisement 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. 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

FIRST COMPLAINT

Out of Home

Ad Details: North Beach wall, Albany - Billboard

Complaint Details:

The use of the "F**k" word & is so big & unmissable that my 7 year old was asking why they swear on outsides of shops! Definitely not age appropriate & can be seen by everyone.

SECOND COMPLAINT

This add may not use the exact curse word but it is very obvious. Other similar ads have been removed by other advertisers in the past.

Appendix 2

RESPONSE FROM ADVERTISER, THE MAD HUEYS

I am writing to you with respect to the aforementioned complaint in the subject of this letter. We understand that North Beach have already provided a written defense for which we sincerely thank them for and we further would like to provide the following statement to complement their defense.

In providing a brief background about our brand, we are small business based on the Gold Coast in the state of Queensland in Australia that design and manufacture clothes. Our business was built off the back off video content generated by our founders during the start of the social media craze promoting their lifestyle of surfing, fishing, and partying. This engaged people that enjoy a similar lifestyle and also those aspiring to live a similar lifestyle.

Specifically with respect to the billboard and the words CAUGHT F CK ALL we offer the following comments:

- We've included an element of imagination in presenting the phrase by replacing the letter U with an anchor relevant to the nautical element of our brand;
- It's not simply the "F" word, but a phrase CAUGHT F CK ALL, which each and every angler can relate and refer to;
- The "F" word may have been offensive in the past, but now it really is part of everyday language and therefore should not be considered offensive;
- We could point out the existence of a number of other examples that evoke the "F" word that also haven't caused any offence as they are inventive, imaginative, and humorous.

Overall it certainly wasn't our intention to cause any offence and the points above lessen any rude, offensive, or vulgar connotation.

Appendix 3

RESPONSE FROM NORTH BEACH

Thank you for your communication following receipt of 2 complaints regarding a Mad Hueys graphic on the exterior of our Albany store. We would like to defend the complaint.

Is the advertisement still accessible – where and until when?

Yes. It is on a large format external sign outside our Albany Store (Albany Mega Centre), an internal graphic inside our Tauranga Crossing store, and has been used on Social Media. At this stage, there is no set end date – however we are likely to change it as we move into our winter season (COVID-19 lockdown end date dependent)

List all media where the advertisement is placed:

1. Outdoor
2. Social Media
3. Instore Graphics

Who is the target audience for the product / brand / service? And what tools and/or data were used to target this audience?

All people (male skew) aged 16-45, who have interests in Fishing, Boating, and Surfing.

Any other information you wish to include to defend this complaint.

Firstly, neither of the complaints that have been provided to us have detailed context on what they find offensive about this advertisement. The first said: 'My 7 year old can see there is a swear word on the shop'. The second said 'the word is obvious that it means to use a curse word'. Both of these complaints are just that they can see the word, not that it causes any offence other than it being displayed. What is it about the particular arrangement of letters and symbols (censoring) that causes so much concern, even when the statement is not literally offensive?

In terms of whether the advertisement breaches the Advertising Standards Code - there are two areas that we think we subjectively need to respond to:

These areas are:

Humorous, satirical treatment of people and groups of people are natural and accepted features of societal relationships and may be acceptable, provided they are not likely to cause harm or serious or widespread offence.

And:

Advertisers must not use offensive, degrading or provocative copy and/or images to attract attention or promote the sale of products or services.

The graphic that is used on the billboard was designed as a t-shirt print by the brand Mad Hueys. The t-shirt is satirical in nature – an ironic play on the insecurities blokes have that come with being a terrible fisherman.

Everyone knows at least one terrible fisherman. The friend that no matter how hard they try, can only reel in infant snapper. And it makes us smile, remembering the last time we saw them concentrating on catching something they were allowed to take home. For hours.

It's why the t-shirt (and long sleeve t-shirt, and hoodie) are some of our top selling garments in our stores – the graphic resonates with people, and puts a smile on their face.

The graphic isn't offensive to any group or person. It doesn't compromise safety, doesn't promote anti-social behaviour, doesn't objectify or degrade or discriminate. It does however use language (which is censored) that allows alliteration to emphasise the joke.

Would it be more appropriate if the U and the C were both censored? Would it be more appropriate if the print just said 'Caught FCK all fishing club'? At what point does censoring or changing the arrangement of the letters of a traditionally 'offensive' word become acceptable?

The determination of what is acceptable and what is not is subjective. Given the cost of erecting our billboard – we don't believe the line of what is acceptable or not should be arbitrarily drawn with our advertisement on the unacceptable side.

Additionally, we have received 0 direct complaints about the ad. Not 1. In fact we have had an overwhelmingly positive response: In store customers having a giggle with our staff, and people asking to see the t-shirt on the billboard when they walk in.

As a closing note, other retailers are also using the same graphic in their advertising. One example is True Grit store, who have used the graphic on Instagram and Facebook, shown below.

We appreciate your consideration in this matter. We hope that the Advertising Standards Authority will agree that the advertisement is not directly offensive, not designed to cause offense, and is light hearted, satirical in nature, and resonates well with the average kiwi bloke.