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Swear-vertising: when does the advertising watchdog bark?

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Introduction

The use of swear-words and profanities would once appal right-thinking members of society but nowadays swearing is practically ingrained in the way we speak, especially when we want to add intensity to our styles or emotional states. Field studies of swearing have shown that swearing in public is not an infrequent act.¹ Recent research published by Ofcom, the UK's communications regulator, found an ongoing trend of increasingly relaxed attitudes towards the use of swear words on television and radio, though not all offensive terms get the green light.² If advertising reflects the society from which it derives,³ then perhaps we should not be surprised when a brand adopts swearing as part of its marketing attire.

Swearing is part of a rich and sophisticated construction toolkit that language provides and has been described as the language of life and death: it can feature during the process of giving birth - as many midwives will probably admit - but also in the final utterances of fatal air-crash pilots, captured by aviation data recorders.⁴ Whether swearing is essential or simply a bad habit best kicked may be up for debate, but psychologists emphasise that it occupies a special place in language, as 'curse words do things to sentences that non-curse words cannot do'.⁵

Advertisers may be tempted to use wordplay, or 'swear-play', to attract attention and seamlessly insert brands into customers' lives by recognising their daily pains. However, advertisers may sometimes misjudge where the boundaries of acceptability lie and how the use of swear-words will be received. This article examines how far advertisers can go when they are using, either expressly or by implication, swearing in their marketing messages.⁶ It first considers the possible reasons for incorporating swearing in adverts and gives a general overview of the relevant advertising rules that tend to be engaged in relation to this matter. The discussion then proceeds to examine marketers' recent excursions into the mischievous through the eyes of the UK's Advertising Standards Authority (ASA). In particular, the article conducts for the first time a systematic analysis of formal rulings issued by the regulator within a period of five years (from June 2017 to June 2022) with respect to the use of expletives and swearing in advertisements (Table 1a, p. 16).⁷ Some older relevant rulings are included for

¹ Timothy Jay and Kristin Janschewitz, 'The pragmatics of swearing' (2008) 4(2) *Journal of Politeness Research: Language, Behaviour, Culture* 267.

² Ofcom, *Public attitudes towards offensive language on TV and radio* (22 September 2021) <<https://www.ofcom.org.uk/research-and-data/tv-radio-and-on-demand/tv-research/offensive-language>> accessed 9 May 2022.

³ Robert E. McDonald, Debra A. Laverie and Kerry T. Mannis, 'The Interplay between Advertising and Society: An Historical Analysis' (2020) 41(4) *Journal of Macromarketing* 585.

⁴ Richard Stephens, 'Swearing: the language of life and death' (2013) 26(9) *The Psychologist* 650, 653.

⁵ Timothy Jay, *Why we curse: a neuro-psycho-social theory of speech* (John Benjamins 1999) 137.

⁶ This article builds on a blog post that was first published on *The International Forum for Responsible Media Blog* on 5 May 2022; see 'What the flock you looking at?: the use of wordplay and bad language in ads' available at: <<https://inform.org/2022/05/05/what-the-flock-you-looking-at-the-use-of-wordplay-and-bad-language-in-ads-alexandros-antoniou/>>.

⁷ It was not possible to review ASA adjudications for a longer period, as the ASA's website only provides access to published rulings in the past five years.

contextual purposes (Table 1b, p. 18). The analysis distinguishes between explicit and implicit forms of swearing in advertising ('swear-vertising') and uncovers within implicit swear-vertising three different marketing techniques, which potentially warrant different regulatory responses: (a) *direct* substitution for expletives with attention magnets; (b) *indirect* swear-play and (c) *indirect* substitution for expletives with acronyms. Finally, the article concludes with some key take-away messages and provides diagrams to help practitioners and advertisers navigate this area and avoid missteps in marketing campaigns (Figures 2a and 2b, pp. 19-20). But, before the analysis begins, readers should be warned that the discussion contains a wide range of words which may cause offence.

Background

In this article, the term swearing is used to refer to taboo language for sexual references (and body parts), profanity, as well as linguistic impoliteness as a form of communication function that shows a wide range of emotions, including surprise (e.g., after being told something very unexpected), shock (e.g., someone burning themselves on a crockpot and swears in shock), sheer annoyance, inconvenience, disdain, disagreement, indignation, disgust etc. Previous studies suggest that there is a spectrum of perceived severity of words used when swearing, ranging from the least offensive (sometimes labelled as 'baby talk', e.g., 'poo' or 'bum') to very strong language including expletives and crude sexual references.⁸

Swearing presents a dynamic equilibrium of two competing characteristics: on the one hand, individuals who swear tend to be widely associated with societal norm-violating behaviour and thus deemed anti-social and perhaps untrustworthy.⁹ On the other hand, swearing may also be considered an unfiltered expression of emotional involvement and thus a sign of passion, authenticity and sincerity, thereby making its users appear more genuine and honest. A 2017 study concluded that cursing and profanity, for instance, were associated with less lying and deception at the individual level and with higher integrity at the society level.¹⁰ Moreover, mild swearing has been shown to have some persuasive power, when judiciously used, without necessarily affecting negatively a speaker's credibility.¹¹ Thus, brands wishing to project a more relatable image can leverage the strangely positive effects of swearing to enhance the persuasiveness levels of their marketing messages.

The use of swearing in adverts can be partly explained by advertisers' search for 'slipstream marketing' opportunities:¹² slipstream marketing explores ways in which a brand can hitch a ride by sliding into buyers' slipstream of thought as they undertake purchase contemplation. The tactic seeks to harness the brand to something that frequently occurs in the social environment (e.g., popular expressions) to help it move effortlessly in a consumer's decision-

⁸ For a topography of bad language, see the report *Delete Expletives?* (ASA, BBC, Broadcasting Standards Commission and the Independent Television Commission 2000) 8. The abuse of minorities occupies its own category and is at the top of the scale of severity. This article does not discuss discriminatory language in advertisements, i.e., offensive terms aimed at particular communities, including race, nationality or ethnicity, sexual orientation and gender identity, mental health, and physical abilities.

⁹ Craig A. Anderson and Brad J. Bushman, 'Human Aggression' (2002) 53(1) *Annual Review of Psychology* 27.

¹⁰ Gilad Feldman, Huiwen Lian, Michal Kosinski and David Stillwell, 'Frankly, We Do Give a Damn: The Relationship Between Profanity and Honesty' (2017) 8(7) *Social Psychological and Personality Science* 816.

¹¹ Cory R. Sherer and Brad J. Sagarin, 'Indecent influence: the positive effects of obscenity on persuasion' (2006) 1(2) *Social Influence* 138; see also Eric Rassin and Simone Van Der Heijden, 'Appearing credible? Swearing helps!' (2005) 11(2) *Psychology, Crime & Law* 177, where the authors found that testimonies of suspects and victims containing swearwords were perceived as more credible than swearword-free testimonies.

¹² Max Sutherland and Stephen Holden, 'Slipstream Marketing' (1997) 4(6) *Journal of Brand Management* 401.

making process. For example, whenever the expression 'have a break' is encountered during day-to-day activities, KitKat is mnemonically registered to it and thus more likely to be pulled into a buyer's slipstream of thought as a satisfactory contender among a throng of available options of snacks. Marketers may be tempted to also hitch a ride onto swearing in the hope of enhancing a brand's performance, but this can be more challenging.

There is a variety of specific offences covering indecent, offensive, and obscene communications, including some online communications: the common law offence of outraging public decency, offences under the Indecent Displays (Control) Act 1981 and the Obscene Publications Act 1959.¹³ Although some of these statutes can be relevant to advertising content, they represent non-sectoral legislation and have more general application. For example, the definition of 'obscene' material under s. 1(1) of the 1959 Act is quite broad and extends to cover any article which includes not only sexually explicit material, but also material relating to violence and drug taking. However, material that merely shocks, or disgusts, is unlikely to fall within its scope.¹⁴ Since the 1979 Williams Committee,¹⁵ an assumption has grown that the written word falls outside the scope of the 1959 Act. Criminal prosecutions for obscene articles have tended not to take action against the written word, but rather focus largely on sexually explicit pictorial material. Although the Act applies to broadcast material on television, stricter tests relating to harm and offence are available under sectoral legislation, which establishes the framework for content regulation by Ofcom and sets out the licensing regime that gives the latter the power to draw up regulatory codes governing standards and areas of content control.¹⁶

Ofcom has a statutory duty to regulate broadcast advertising and has contracted out this function to the ASA and the Broadcast Committee of Advertising Practice (BCAP).¹⁷ The ASA and the Committee of Advertising Practice (CAP) are responsible for regulating non-broadcast advertising on magazines, newspapers, posters, social media, and websites through a system of self-regulation.¹⁸ The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (the CAP Code), which serves as the rule book for non-broadcast advertisements and sales promotions, deals with issues around harm and offence under its Section 4.¹⁹ This addresses a range of matters such as portraying harmful gender stereotypes in ads,²⁰ sexual content and nudity, violent and scary content, content condoning unsafe practices or adversely affecting audiences with photosensitive epilepsy. Section 4 also specifies that special care must be taken to avoid causing offence on the grounds of race, religion, gender, sexual orientation, disability, and age. But the principle underpinning all Section 4 rules is that marketers must

¹³ For more details, see Law Commission, *Abusive and Offensive Online Communications: A Scoping Report* (Law Com No 381, 2018).

¹⁴ *R v Anderson* [1972] 1 QB 304.

¹⁵ Bernard Williams (ed), *Obscenity and Film Censorship: An Abridgement of the Williams Report* (Cambridge 1981).

¹⁶ The framework is governed by the Communications Act 2003 as well as the Broadcasting Acts 1990 and 1996.

¹⁷ Ofcom retains responsibility for regulating advertising on Video on Demand (VOD) services but has designated the ASA to carry out this function too.

¹⁸ For more information on how the ASA's self-regulation system works within a co-regulatory framework, see ASA, *Self-regulation and Co-regulation* <<https://www.asa.org.uk/about-asa-and-cap/about-regulation/self-regulation-and-co-regulation.html>> accessed 12 June 2022.

¹⁹ There are equivalent provisions under the Section 4 of the UK Code of Broadcast Advertising (BCAP Code).

²⁰ Alexandros Antoniou and Dimitris Akrivos, 'Gender portrayals in advertising: stereotypes, inclusive marketing and regulation' (2020) 12(1) *Journal of Media Law* 78.

take steps to minimise the risk of causing 'harm or serious or widespread offence',²¹ measured against a background of prevailing societal standards. Research on public perceptions of what is harmful and offensive in advertising, and any changes over time, informs the ASA's decision making on these matters. Such evidence is, however, limited. The latest survey was conducted in 2012.²²

The terms harm and offence tend to be frequently used in conjunction with one another. However, they represent two distinct facets of the debate around media content, and it is not entirely clear how precisely they relate to each other in legal and regulatory frameworks. Millwood-Hargrave and Livingstone suggest that:

[...] harm is widely (though not necessarily) conceived in objective terms; harm, it seems, is taken to be observable by others (irrespective of whether harm is acknowledged by the individual concerned), and hence as measurable in a reliable fashion. By contrast, offence is widely (though not necessarily) conceived in subjective terms; offence, it seems, is taken to be that experienced by and reported on by the individual.²³

One implication of their difference is that the risk of harm may apply at the level of the individual, group or society and harm may last for a short time or longer. By contrast, offence, is thought to affect only the media user themselves (or, perhaps, groups of individuals) and it is assumed to apply 'only in the moment'²⁴ (though it may be remembered).

The strong yet usually negative emotional response triggered by swear-words in advertising appears, however, to be relatively straightforward for the ASA. The body of rulings examined for the purposes of this article shows that all of the adjudicated cases pertaining to swear-vertising were put in the bucket of offensiveness. Offence in advertising content has been defined by the ASA as 'anger or upset caused by something perceived insulting, unfair or morally wrong'.²⁵ It is uncertain whether feeling uncomfortable is sufficient for a word or phrase to cross the threshold of offensiveness or whether a stronger reaction is required. Moreover, whether language in ads is offensive usually depends on several contextual factors as well, including the targeted consumers' expectations and sensitivities (which vary according to cultures and generations), the medium in which the ad appeared as well as the product or service promoted.

It is also worth noting that, in the overwhelming majority of the cases in the sample examined for this article, Section 4 rules were applied alongside the general rules on Compliance under Section 1 of the CAP Code, thereby emphasising that all marketing communications must be prepared with 'a sense of responsibility to consumers and society'.²⁶ The ASA has been fairly relaxed about the definition of social responsibility and has previously interpreted this widely

²¹ CAP Code, Section 4 (Harm and Offence), Principle.

²² ASA, *Public perceptions of harm and offence in UK advertising* (ASA 2012)

<<https://www.asa.org.uk/static/uploaded/df0140c1-348b-48c4-81334d8ce1cfd7bb.pdf>> accessed 2 June 2022.

²³ Andrea Millwood Hargrave and Sonia Livingstone, *Harm and offence in media content: a review of the evidence* (2nd ed, Intellect 2009) 20.

²⁴ *Ibid.*, 244.

²⁵ ASA, *Public perceptions of harm and offence in UK advertising* (n 22) 19.

²⁶ CAP Code, Section 1 (Compliance), Principle.

to cover a diverse range of issues in marketing communications, including alcohol, drugs, tobacco, violence, body image, children and targeting etc.²⁷

The next section proceeds to examine how the ASA has recently approached the use of swearing in advertisements. A manual search on the Authority's website generated 301 rulings concerning broader issues around harm and offence for the five-year period running from June 2017 to June 2022. However, only a small fraction of these rulings was assessed as relevant for the purposes of this article (Table 1a, p. 16). This suggests that complaints about swear-vertising may not be commonplace. Advertisers normally stay clear of swear words because of their concern over linking offence to their products or services and for fear of their campaigns being talked about for the wrong reasons. The potential financial damage that may result from a banned ad, especially in the context of television, might be another reason too. The analysis looks first at cases raising issues around explicit swear-vertising, i.e., ads that include expletives, vulgar slang, and other strong language.

Explicit swear-vertising

The latest consumer survey carried out by the ASA in 2012 showed that swearing is likely to cause serious offence, and if used, it must be carefully targeted and accompanied with suitable warnings to potential viewers, even where an ad is addressed to a largely adult audience (e.g., on a product listing online).²⁸ Although a shift in consumer attitudes may reasonably be anticipated in the last decade, the findings of Ofcom's 2021 research on public attitudes towards offensive language on TV and radio are not too dissimilar. Relatively mild words, such as 'crap', 'bitch' or 'cow' were of limited concern to participants (both before and after the watershed) and were often seen as less offensive alternatives to stronger language.²⁹ However, expletives like 'fuck' and 'motherfucker', 'slut' etc. were perceived as highly offensive (and thus the least acceptable), requiring clear and strong contextual justification.³⁰ The ASA often refers to Ofcom research to inform its rulings on whether certain words or phrases are likely to offend on a serious or widespread scale, so it not unreasonable to suppose that terms such as these will most likely be seen as crossing the line in the advertising sector too.

For example, the ASA upheld complaints about display ads featuring a mug with 'UNT' printed on it, which, in conjunction with the colour matching C-shaped handle, visibly spelt out what many would consider a very strong expletive on a product that was offered on BT's website and a national news website.³¹ The clear allusion to the expletive in the ads was in strong juxtaposition with the content of these websites and the likely expectations of their visitors and as such it was likely to cause serious offence.³² Similarly, a pre-roll YouTube ad for a rap music video which was shown before an unrelated music playlist and featured nudity, drug use

²⁷ See further Antoniou and Akrivos (n 20) 87-88.

²⁸ ASA, *Public perceptions of harm and offence in UK advertising* (n 22).

²⁹ Ofcom, *Public attitudes towards offensive language on TV and radio* (n 2) 21.

³⁰ *Ibid.*, 19.

³¹ ASA Ruling on Rakuten Europe Sàrl (1 June 2016) <<https://www.asa.org.uk/rulings/rakuten-europe-srl-a16-335037.html>> accessed 27 April 2022.

³² In 2013, the ASA also upheld a similar complaint over an internet ad for a Christmas card featuring text stating: 'You're a cunt. Sorry, I meant to say Merry Christmas'; see ASA Adjudication on Smellyourmum.com Ltd (20 March 2013) <<https://www.asa.org.uk/rulings/Smellyourmumcom-Ltd-A12-214545.html>> accessed 13 June 2022.

and strong language, including words like ‘fucking’, was banned on the grounds that it was likely to seriously offend many people.³³

Even where the force of a strong swear-word is such that truncated (or otherwise redacted) versions or symbolic stand-ins are used to partially obscure the offending term, Code breaches cannot be ruled out. Although the swear-words may not be displayed in their entirety, they can nevertheless be easily construed as references to expletives. In recent years, the multinational brewery and pub chain BrewDog has become twice the subject of ASA’s investigations for this reason. In 2020, the ASA banned poster ads for their beer which were targeted to a general audience and featured large text reading ‘F**k You CO₂. BrewDog Beer Is Now Carbon Negative’. Even though the letters ‘U’ and ‘C’ were obscured by a can of BrewDog Punk IPA, it would be clear to most of those who saw it that the ad referred to the word ‘fuck’, associated in this instance with an aggressive tone.³⁴ The year before, the regulator upheld once again complaints against a BrewDog alcohol-free beer ad that appeared in billboard media and featured text stating, among others, ‘SOBER AS A MUSTERFU’.³⁵ Similarly, Channel 4 had complaints upheld against it in 2019 after it chose to promote its dark comedy-drama *The End of the Fucking World* on an outdoor poster placed near the Excel Centre in London. Although it was presented as ‘The End of the F*****g World’ in the ad itself, the meaning of the word was still clear.³⁶ The ASA’s approach in relation to strong expletives seems to have remained unchanged in the last decade. In 2012, the Authority upheld complaints against an Aberdeen-based night club (trading as The Pearl Lounge) for their use of the phrase ‘Valentine’s Fu*k Fest’ on unsolicited promotional flyers that were distributed on the campus of the city’s university with a multicultural student community.³⁷

In addition to the use of sexually explicit language, caution should also be exercised with terms that correlate with sexual violence such as Pot Noodle’s infamous catchphrase ‘Hurt me you slag’, which was found ‘unsuitable for use in any medium’.³⁸ Language that could be interpreted as trivialising domestic violence (e.g., the phrase ‘WOULD YOU PUNCH YOUR EX IN THE FACE FOR A PARMO?’ in an ad for a fast-food dish)³⁹ or condoning sexual assault (e.g.,

³³ ASA Ruling on Bamby H2O (24 March 2021) <<https://www.asa.org.uk/rulings/bamby-h2o-a20-1088442-bamby-h2o.html>> accessed 24 May 2022. A similar approach was taken in the ASA Ruling on Paramount UK Partnership t/a Comedy Central, Paramount Comedy Channel (29 June 2022) <<https://www.asa.org.uk/rulings/paramount-uk-partnership-a22-1147319-paramount-uk-partnership.html>> accessed 29 June 2022, which concerned an inappropriately targeted pre-roll ad for a Comedy Central programme that poked fun at social norms in a parody scenario where parents tried to find a suitable partner for their son. Whilst interviewing a series of potential partners, the parents were shown stating ‘we have arranged for you a f* buddy’ (the word ‘fuck’ was not entirely obscured) and their conversations included claims like ‘penis to enjoy’ and ‘I’m more into mutual masturbation these days’.

³⁴ ASA Ruling on BrewDog Plc (18 November 2020) <<https://www.asa.org.uk/rulings/brewdog-plc-q20-1076270-brewdog-plc.html>> accessed 21 May 2022.

³⁵ ASA Ruling on BrewDog Plc (18 December 2019) <<https://www.asa.org.uk/rulings/brewdog-plc-G19-1041247.html>> accessed 25 May 2022.

³⁶ ASA Ruling on Channel Four Television Corporation t/a 124-126 Horseferry Road (18 December 2019) <<https://www.asa.org.uk/rulings/channel-four-television-corporation-A19-1038683.html>> accessed 2 June 2022.

³⁷ The ruling is no longer available on the ASA’s website but see ‘Valentine’s F*** Fest ad banned by ASA’ *Deadline News* (Edinburgh, 25 April 2012) <<https://www.deadlinenews.co.uk/2012/04/25/valentines-f-fest-ad-banned-by-asa/>> accessed 10 June 2022.

³⁸ ASA Annual Report 2002, 8 <<https://www.asa.org.uk/static/uploaded/b4f67dd4-b589-4321-96a49340f5cf405b.pdf>> accessed 8 June 2022.

³⁹ ASA Ruling on The George Pub and Grill (2 August 2017) <<https://www.asa.org.uk/rulings/the-george-pub-and-grill-a17-388422.html>> accessed 9 June 2022.

by offering online gamers the option between 'fondling' or 'ravaging' a female character)⁴⁰ is also likely to breach the rules under Section 4.

Thus, strong language that effectively overshadows any commercial message (and perhaps any attempt at humour) the ad intends to convey is likely to be problematic. In principle, words like 'fuck', 'motherfucker' and 'cunt' lie at the extreme end of the scale and as such they are deemed by the ASA so likely to offend that they should not generally be used or alluded to in advertising, regardless of whether the ad appeared in a medium with an adult target audience.⁴¹ Asterisks or symbols masking almost all of the word do not necessarily give it a less offensive presentation.

Milder swear words (e.g., 'damn', 'bloody' etc.) may however be acceptable in certain circumstances, e.g., when they are used in a more positive light (i.e., 'a bloody good time!') and with a comical tone in a medium that is primarily aimed at adults.⁴² However, such language may have a different effect if it appears on untargeted media likely to be seen by children (e.g., a billboard located near a school). I return to the issue of appropriate targeting later.

Rare exceptions in relation to strong language are allowed where the objectives of an advertisement are charitable. Charities can benefit from seeking to encourage an emotional response in their ads. Strong language showing suffering or mistreatment, for example, may help raise awareness over their worthwhile causes. Audiences are generally deemed more tolerant towards such initiatives;⁴³ hence, the ASA might show some leniency. For instance, the regulator dismissed complaints against a Barnardo's (a children's charity) ad which appeared in *The Times* and *The Daily Telegraph*, showing a young boy's face with the wording:

He told his parents to f**k off. He told his foster parents to f**k off. He told fourteen social workers to f**k off. He told us to f**k off. But we didn't. And we still haven't.⁴⁴

The ASA considered that readers would realise that the language was intentionally hard-hitting to reflect the realities of the situations Barnardo's workers had to deal with regularly. However, the benefits of leniency might not extend to bodies trading for profit when they use swear-play to make a statement about environmental issues. BrewDog Plc's poster reading 'F**k You CO₂. BrewDog Beer Is Now Carbon Negative' was banned in 2020, despite the company's stated intention to 'shock people into thinking about the planet' as part of their marketing message.⁴⁵

⁴⁰ ASA Ruling on ReadMob Technologies (HK) Ltd t/a carolgames.com (30 August 2017)

<<https://www.asa.org.uk/rulings/readmob-technologies--hk--ltd-a17-387277.html>> accessed 9 June 2022.

⁴¹ ASA Ruling on Kentucky Fried Chicken (Great Britain) Ltd t/a KFC (4 December 2019)

<<https://www.asa.org.uk/rulings/kentucky-fried-chicken-great-britain-ltd-G19-1033967.html>> accessed 25 May 2022.

⁴² See e.g., ASA Ruling on Telewest Communications Plc in the ASA's 2002 Annual Report (n 38) 8.

⁴³ ASA, *Public perceptions of harm and offence in UK advertising* (n 22) 52.

⁴⁴ The ruling is not available any longer on the regulator's website, but see Mark Sweney, 'Barnardo's F-word ad escapes ban' *The Guardian* (London, 22 August 2007)

<<https://www.theguardian.com/media/2007/aug/22/advertising1>> accessed 10 June 2022.

⁴⁵ ASA Ruling on BrewDog Plc (n 34). See also ASA Ruling on SodaStream Worldwide Trading Company (3 May 2017) <<https://www.asa.org.uk/rulings/sodastream-worldwide-trading-company-a16-366038.html>> accessed 13 June 2022, which involved a parody of a scene from the Game of Thrones TV series, featuring the phrase: 'SodaStream. Fuck plastic bottles'.

Implicit swear-vertising

The analysis of the ASA's rulings reveals a second trend in marketers' tactics, which I shall call in this paper 'implicit swear-vertising'. This typically relies on self-completion by the recipient of the marketing communication. This broader category may be seen to encompass three sub-categories: (a) *direct* substitution for expletives with visual hooks such as censored language; (d) *indirect* substitution for expletives with wordplay; and (c) *indirect* substitution for expletives with acronyms. The last two were more frequently encountered in the sample analysed. Under the umbrella of implicit swear-vertising, offensiveness is usually self-construed. It can be said to arise not only from the ad itself but also from the consumer's thought processes.

Direct substitution

In cases of direct substitution, an ad tends to use censored language which either fully or partly masks the swearing. The audio equivalent of this is known as 'bleeping' or 'dipping' the sound to disguise an offensive word. The context can then help reveal the advertiser's intention. Whilst such tactics function as attention magnets, it is uncertain whether they succeed for every product or service.

Digital Mums, a private education start-up that helps women succeed in the workplace, had their outdoor posters banned in 2018 because they included references to expletives likely to be found widely offensive in untargeted media.⁴⁶ One of its three digital posters, which was placed at road junctions and motorways, stated 'HEY, YOU IN THE SILVER CAR. EVER THOUGHT ABOUT F***** WORKING?'. The remaining posters included variations of similar questions with the same word beginning with 'F' followed by seven asterisks. This then alternated with the full word 'Flexible'. However, those who were targeted by the ads were mostly vehicle occupants travelling along major roads and, in this context, they were likely to only catch a brief impression of what instantly appeared to be a masked expletive as part of capitalised sentences which addressed readers in a fairly aggressive tone.

More successful attempts in this category may seek to rely on elements of visual incongruence that can be seen to disrupt consumers' expectations. For example, the vegan food company Meatless Farm generated some positive publicity with its head-turning billboards featuring Granny Annie exclaiming 'Now that's a M... F... burger'.⁴⁷ Launched during coronavirus lockdown, this bold campaign aimed to influence consumers' interest in plant-based alternatives and highlight the association between reduced meat intake and life expectancy. But few would expect a sweet, senior citizen to be swearing. This mismatch encountered by consumers was capable of triggering attention, whilst the censored language alluding to the well-known expletive successfully served as a bridge directing some of the resultant attention to the brand. There are no known formal complaints investigated with respect to this ad.

⁴⁶ ASA Ruling on Digital Mums Ltd (3 January 2019) <<https://www.asa.org.uk/rulings/digital-mums-ltd-a17-399300.html>> accessed 8 June 2022.

⁴⁷ A copy of the ad can be seen here: Rebecca Smithers, 'Vegan Food company provokes with M... F... advertising campaign' *The Guardian* (London, 3 August 2020) <<https://www.theguardian.com/lifeandstyle/2020/aug/03/vegan-food-company-provokes-advertising-campaign-meatless-farm-coronavirus>> accessed 4 June 2022.

Indirect substitution: wordplay

The second sub-category of implicit swear-vertising involves mentally triggering a swear expression, but the words used in the ad only maintain varying levels of semantic or phonetic resemblance with it. Some examples could include mild swearing blended with colloquial sayings, e.g., Handee Ultra's 'This is Good Sheet' for an ad about a disposable towel, playing on people swearing when experiencing accidental spills; Bedworld's 'Ship the Bed' pun describing their offer of free shipping;⁴⁸ and a discount retailer's ad promoting 'Big Gas Savings'.⁴⁹ However, replacing expletives with subtle wordplay (or swear-play) and other non-offensive euphemistic words that may have a meaning on their own right might not always be a safe approach. The meaning of terms which would not normally be considered swear-words can be influenced by the wider context in which they appear.

In May 2022, the ASA upheld 60 complaints against a series of tongue-in-cheek Tesco Mobile ads which had replaced expletives with food terms.⁵⁰ The ads in question appeared in a variety of media, including two national newspapers, social media posts and other 'push' media. They featured, in particular, phrases like 'What a load of shiitake' (accompanied by an image of a mushroom)⁵¹ and 'They're taking the pistachio' (followed by an image of a nut). A digital outdoor poster also stated: 'For f', followed by images of pasta, and the word 'sake'. The pasta images then rolled away to reveal the text 'For fettuccine's sake' in full. The campaign promoted the mobile network operator's fixed prices to help out in the current cost-of-living crisis.⁵² It implicitly referred to competitors' price increases, whilst its swear-play seemingly attempted to convey customer frustration.

The wordplay with food created controversy from two perspectives: orthographically, the word 'shiitake' contained the misspelt form of the expletive 'shit' and phonetically, the word sequence as a whole strongly alluded to the phrase 'what a load of shit'. Although the word 'pistachio' was spelt correctly, people would understand it as an alternative to 'piss', especially when spoken, thereby alluding to the phrase 'they are taking the piss'. 'Fettuccine' neither sounded nor was spelt like 'fuck' and would not necessarily be seen as the equivalent to using the expletive. Nevertheless, the diversionary use of images of pasta in the digital poster was rather unsuccessful in lessening the initial impact of the phrase 'for f sake' shown before the full word 'fettuccine' was revealed. This would be interpreted (by a general adult audience at least) to specifically allude to the phrase 'for fuck's sake' which includes a word so likely to offend, that it should generally not be used or alluded to in ads.

Similarly, the ASA banned in April 2022 an outdoor poster which promoted an estate agent, trading as Lamb & Co. Property.⁵³ The poster, which appeared at the entrance of Waterglade

⁴⁸ ASA Ruling on Bedworld (North) Ltd (8 April 2015) <<https://www.asa.org.uk/rulings/bedworld-north-ltd-a15-291364.html>> accessed 6 June 2022.

⁴⁹ Brad Tuttle, "Big Gas Savings": Kmart's funny follow-up to the viral "Ship My Pants" ad' *Time* (24 May 2013) <<https://business.time.com/2013/05/24/big-gas-savings-kmarts-funny-followup-to-the-viral-ship-my-pants-ad/>> accessed 5 June 2022.

⁵⁰ ASA Ruling on Tesco Mobile Ltd t/a Tesco Mobile (11 May 2022) <<https://www.asa.org.uk/rulings/tesco-mobile-ltd-g22-1146813-tesco-mobile-ltd.html>> accessed 12 May 2022.

⁵¹ Shiitake is an East Asian variety of edible mushrooms known for their medicinal and therapeutic value.

⁵² See further ONS, *The rising cost of living and its impact on individuals in Great Britain* (25 April 2022) <<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure/articles/the-rising-cost-of-living-and-its-impact-on-individuals-in-great-britain-november-2021-to-march-2022>> accessed 10 June 2022.

⁵³ ASA Ruling on Lamb & Co. Property Ltd (27 April 2022) <<https://www.asa.org.uk/rulings/lamb-co-property-ltd-A22-1142749.html>> accessed 27 April 2022.

Retail Park in Clacton, showed a sheep, alongside large text which stated: 'What the flock you looking at?', with the word 'flock' in coloured font for emphasis. The accompanying text read: 'We're baa-rilliant at getting your property noticed too'. The company is locally known for its use of sheep-themed visuals and terms. Seen alongside other amusing sheep references, e.g., 'baa-rilliant' and the large image of a sheep with its tongue sticking out, the ad presumably intended to create an association in the mind of consumers with the name of the company behind it and thus the source of the promoted services. Even though the poster did not expressly use the word 'fuck', 'flock' in this context would be understood as an alternative to the expression 'What the fuck are you looking at?' which, in the regulator's view, many would likely find seriously offensive, irrespective of its playful tone. Among the issues potentially at play here (though not highlighted by the ASA in its ruling) was the fact that the word 'flock' (i.e., a group of animals assembled or herded together) bore some relevance to Lamb & Co's brand identity, but not to the services provided, thereby making its use arguably gratuitous.

Of itself, the relevance of the substitute to the product or service promoted is not a panacea. Sound-a-likes can be as bad as using the actual words. KFC's 2019 posters and national press ads attracted several complaints for featuring in their value campaign the phrase 'WHAT THE CLUCK?! £1.99 FILL UP LUNCH' alongside an image of food items. The ads, which had primarily an adult audience but were likely to be seen by people of all ages, did not contain a swear word but made instead use of an onomatopoeic imitation of the sound of chicken to represent customers' response to a KFC deal. There are, of course, several variations of the 'what the ...' expression, which are typically used as an exclamation to emphasise surprise or anger. However, not all of them culminate with an expletive. Although KFC's chosen phrase did not contain a swear word, nor did it directly substitute for an expletive, the degree of visual proximity between 'cluck' and 'fuck', amplified by the obvious rhyme, specifically hinted at the expression 'what the fuck'. In this case, the ads were banned despite the fact that the use of the term was not completely out of place. It bore at least some relevance to the product featured and the brand itself.

The KFC finding, however, does not sit very comfortably with a previous ASA decision concerning a national press ad of the Agriculture and Horticulture Development Board that promoted Red Tractor approved meat⁵⁴ and was headlined 'Give a fork about your pork'.⁵⁵ The Authority rejected here complaints that challenged the use of 'fork' as offensive. Indeed, the ad did not expressly use explicit language and it is possible – though not necessarily probable – to envisage that some readers might have understood the use of 'fork' as a wordplay on 'thought' (i.e., 'give a thought about your pork'). But the allusion to the word 'fuck' and the connection to the phrase 'give a fuck about' can hardly be overlooked. While there may understandably be some scepticism about the ASA's finding in this case, the apparent intention behind the ad of a public body to raise awareness about a government-supervised Approved Assurance Scheme and its benefits to consumer interests (and public health more generally) might have swayed the regulator's opinion.

⁵⁴ Red Tractor is a British food standards assurance scheme that certifies its members' compliance with minimum legal requirements about food safety, hygiene, traceability, animal welfare and sustainability criteria.

⁵⁵ ASA Ruling on Agriculture and Horticulture Development Board t/a lovepork.co.uk (22 May 2013) <<https://www.asa.org.uk/rulings/Agriculture-and-Horticulture-Development-Board-A13-224798.html>> accessed 8 June 2022.

Interesting contrasts that can help understand the difference in acceptability of swear-play in context are provided by some recent ads against which complaints were not upheld. The first example concerns a TV commercial for vehicle breakdown cover that was intended as a parody recognising the use of colourful language that could result from frustrations when a damage occurs unexpectedly and repairs are needed urgently. In this case, the ASA considered that the use of non-offensive intensifiers was an acceptable approach in the voiceover:

When you break down, your first words probably aren't Green Flag, but maybe they should be your second, because if your *flipping car fudging* goes kaput, we'll rescue you anywhere in the country, and you can track our truck all the *chuffing* way with our app, we'll even halve your AA or RAC renewal quote. So, whatever your first words let's make your last ones; thank *truck* I went with Green Flag.⁵⁶

Although viewers (including some older children) would understand most of the words (italicised above) as alternatives to the words 'fucking', actual expletives were not used. Some of these words, e.g., 'truck', 'chuffing', were to a degree relevant to the service being advertised and thus not completely out of context. Moreover, the words were not obscured to create confusion with the expletive. They were clearly enunciated throughout to ensure they sounded sufficiently distinct from it, making it less likely to be recognised as swear-word references by younger children who were already unfamiliar with the associated phrases.

A similar approach was taken in relation to a TV ad for the online travel agency Booking.com. The commercial used the word 'booking' in a comical way and in a variety of situations that lent themselves to substitution with the less family-friendly word 'fucking' (e.g., 'look at the booking view' and 'booking epic holidays'). In this case, 'booking' was deemed (perhaps controversially) sufficiently distinct from the expletive, even though both words have two syllables and coincide in respect of their endings both visually and phonetically.⁵⁷ Moreover, the use of 'booking' as a substitute bore close relevance not only to the advertiser's brand (and the domain name they were promoting) but also to the type of the services offered. Despite the relatively high number of complaints received (2,345), the ad was found acceptable without a scheduling restriction on the grounds that younger viewers would not understand that 'booking' was a substitution for an expletive, and older children who did understand the humour would not be unfavourably affected by the ad as a whole. More mature audiences might have found the swear-play distasteful, but its use was not considered vulgar enough to cross the offensiveness threshold under Section 4.⁵⁸

By comparison, the advertising watchdog upheld in 2006 complaints about a sexually suggestive poster promoting The Gas Showroom (a Yorkshire company specialising in boiler

⁵⁶ ASA Ruling on Green Flag Ltd (24 November 2021) <<https://www.asa.org.uk/rulings/green-flag-ltd-q21-1113128-green-flag-ltd.html>> accessed 29 May 2021.

⁵⁷ However, if we look at trade mark law (on which the ASA sometimes draws in its regulations and guidance), this finding may be sensible, considering that a long line of case law in this field accepts that consumers generally pay greater attention to the beginning of a word sign than to the end and thus its first part ('boo-') has a significant influence on the general impression it makes; see e.g., Case T-109/07 *L'Oréal v OHIM – Spa Monopole (SPA THERAPY)* [2009] ECR II-0000, para. 30 and the case-law cited.

⁵⁸ ASA Ruling on Booking.com BV (18 February 2015) <<https://www.asa.org.uk/rulings/bookingcom-bv-a14-289781.html>> accessed 12 May 2022.

installation and central heating) whose ad was placed in ladies' toilets and used the strapline 'Let The Gas Showroom stick something warm in your hearth-hole'.⁵⁹ Similarly, a regional press ad for Sofa King with the catchphrase 'The Sofa King - Where the Prices are Sofa King Low!' was banned in 2012 because, when spoken and heard, it sounded like 'so fucking low' and thus likely to cause serious offence.⁶⁰ Both of these examples put gratuitous emphasis on crudeness and arguably brought advertising in disrepute.⁶¹

Indirect substitution: acronyms

Perhaps the most high-profile cases testing the limits of using implicit swear-vertising have been provided by French Connection. The clothing company has been rapped by the regulator several times after running campaigns for its brand 'FCUK', an acronym for French Connection UK and now its registered trade mark. The retailer was warned in 1998 by the regulator that the letters 'fcuk' could be misread and should be avoided in strap lines like 'fcuk fashion' if they could be interpreted as an expletive.⁶² In 2001, the ASA ruled that press ads for French Connection's new Oxford Street store, featuring the phrases 'tomorrow see the arrival of the FCUK of your dreams' and 'FCUK Oxford Street. One humungous FCUK', were likely to cause 'serious or widespread offence'.⁶³ Similar innuendo-laden posters for its 'FCUK Vanity' cosmetic range and a campaign involving the distribution of free condoms with T-shirts bearing the words 'Practice safe sex, go FCUK yourself' were banned in subsequent years.⁶⁴ In 2004, the ASA seems to have lost its patience and ordered the pre-vetting of all of the company's posters over the course of two years.⁶⁵

In a passing off dispute, in which the High Court was asked by the same fashion retailer to prevent an Internet consultant from using the domain fcuk.com, Mr Justice Rattee expressed his contempt for the company's trade name by calling it 'tasteless and obnoxious', adding that FCUK was 'just a euphemism for the obscene expletive f***'.⁶⁶ The company's representative reportedly stated that she and His Lordship might have found it offensive, but young people who buy FCUK clothing would find it 'amusing'.⁶⁷ Whilst from a legal perspective, FCUK may be deemed controversial, from a branding standpoint it fosters likeability. It is a marketing device that enables the company to project an anti-establishment sentiment that resonates well with some of the younger people who constitute the targeted audience of its products. The more their name irritates judges and regulatory authorities, the more fashionably attractive it appears to its own customers.

⁵⁹ Jenny Loweth, 'Gas ad's a bust as firm gets cheeky' *Telegraph & Argus* (Bradford, 31 August 2006) <<https://www.thetelegraphandargus.co.uk/news/900395.gas-ads-a-bust-as-firm-gets-cheeky/>> accessed 12 June 2022.

⁶⁰ ASA Ruling on The Sofa King Ltd (13 June 2012) <<https://www.asa.org.uk/rulings/the-sofa-king-ltd-a11-168619.html>> accessed 10 June 2022.

⁶¹ CAP Code, Section 1 (Compliance), Rule 1.5.

⁶² Anonymous, 'ASA approves new French Connection ads' (1998) 21(9) *Marketing Week* 10.

⁶³ Anonymous, 'ASA rebukes TBWA for going "one humungous fcuk" too far' (2001) 23(47) *Marketing Week* 11.

⁶⁴ Rachel Barnes, 'FCUK criticised by ASA for vanity ad' *Marketing* (London, 5 February 2004) 7.

⁶⁵ Emma Barns, 'French Connection looks to a future without fcuk' *Campaign* (Teddington, 20 August 2004) 8.

⁶⁶ *French Connection Ltd v Sutton* [2000] ETMR 341; see further Robert Verkaik, 'The case of FCUK v FCUK sent to High Court: trial ordered for 'offensive' FCUK trade mark' *The Independent* (London, 4 December 1999) 7 and Adam Sherwin, 'Judge says "fcuk" is obscene and should be banned' *The Times* (London, 4 December 1999) 3.

⁶⁷ Anonymous, 'Judge's fury at four-letter ads' *BBC News* (London, 3 December 1999) <<http://news.bbc.co.uk/1/hi/uk/548249.stm>> accessed 18 May 2022.

A recent ruling involving implicit swear-vertising with acronyms indicates that the ASA adopts a softer attitude towards the use of acronyms where these are merely suggestive of the use of expletives, as opposed to words that spell out any explicit words, either in full or partially. The decision concerned a leaflet for Domino's pizza which stated 'AN EVEN TASTIER STUFFED CRUST? STFU!'⁶⁸ The acronym, which stands for the expression 'shut the fuck up' and can be understood in certain contexts as an exclamation of surprise or disbelief, was presumably intended as a pun referring to Domino's enhanced product. The ad was found to be unlikely to cause serious or widespread offence, despite the fact that it had been posted through letter boxes and could have been encountered by people of all ages. The finding indicates that an abbreviation that is suggestive of the use of an expletive might mitigate the risk of offensiveness so long as it is not written down in full, even though consumers may well be familiar with it and can easily add the missing words (or make the connection in their minds). It is uncertain whether this decision can open the door to the use of similar morphological conventions, letter rearrangements or other contractions (e.g., WTF, AF, FFS etc.) for untargeted marketing on microblogging platforms like Twitter, where emphasis is placed on reduced words and sentences rather than lengthy entries.

Implicit swear-vertising with acronyms may be acceptable when used sparingly and executed in good taste. Slipstreaming implicit swearing is more likely to negate potential offence when subtle wordplay carries a message that introduces elements of conceptual intrigue in consumers' minds. An ad may enhance its impact if its use of swear-play requires some interpretative effort and invites consumers to construct meaning that can be a source of a mild degree of reward, akin to solving a riddle or crossword puzzle.⁶⁹ For example, when the fast-food restaurant chain KFC suffered a major disruption in its UK operations following supply issues in 2018, it swiftly turned negative sentiment into a marketing triumph through the use of implicit swear-vertising. The scale of the marketing calamity at the time was such that customers, who had their feathers ruffled over the chicken shortage, complained to their MPs and local police was forced to urge customers not to contact them about the KFC crisis: 'it is not a police matter if your favourite eatery is not serving the menu that you desire',⁷⁰ Tower Hamlets Police tweeted. KFC successfully injected some grains of self-deprecating humour into its national advertising campaign by cleverly rearranging the letters of its trade mark to FCK. The near-expletive anagram was placed on the side of its signature chicken bucket, before offering an apology written in a conversational tone. 'A chicken restaurant without any chicken. It's not ideal,' the text joked. The ad proved effective in disarming earlier frustration in its customer-base and helped blunt the sharp edges of its efforts by conveying a sense of corporate responsibility to those affected. The KFC apology eventually attracted acclaim for its creative agility, including a Gold Lion in Cannes.⁷¹

⁶⁸ ASA Ruling on Domino's Pizza UK & Ireland Ltd (24 November 2021) <<https://www.asa.org.uk/rulings/domino-s-pizza-uk--ireland-ltd-q21-1122501-domino-s-pizza-uk--ireland-ltd.html>> accessed 8 June 2022.

⁶⁹ Max Sutherland, *Advertising and the Mind of the Consumer* (3rd ed, Routledge 2008).

⁷⁰ Anonymous, "Don't call police over KFC crisis" *BBC News* (London, 21 February 2018) <<https://www.bbc.co.uk/news/uk-england-43140836>> accessed 10 June 2022.

⁷¹ Deirdre Hipwell, 'KFC chief has learnt some nuggets from chicken crisis' *The Times* (London, 3 November 2018) 57.

Appropriate targeting

Even if an ad employs swear-vertising that is contextually justified, marketers still need to think about who is likely to see it. Advertisements cannot generally be predicted. Stronger material appearing in inappropriate or unexpected places are more likely to be offensive, and this can be particularly problematic if consumers who wish to avoid such content are unable to do so.

Swear-vertising exclusively targeted at adults does not generally guarantee acceptability,⁷² but the ASA may allow advertisers more leeway if there is evidence that their core demographic is unlikely to be offended by the language used in the communication which recipients have signed up to receive. The regulator has, for example, previously held that students and young adults, who were customers of a 'street style attitude' fashion brand and familiar with common slang phrases, would not expect to receive expletives by virtue of signing up to its mailing list, but they would be unlikely to be seriously offended by the mild swear-words 'SORT OUT YOUR SHIT'.⁷³ The risk of offence was also mitigated by the somewhat less offensive spelling and the accompanying video which showed people getting themselves organised, e.g., by searching for new jobs, actively choosing a healthier lifestyle by quitting smoking, sorting out their belongings etc.

By contrast, the poster complained of in the Lamb & Co ruling ('what the flock you looking at?') was found inappropriate for public display, because it was irresponsibly placed at the entrance of a retail park where it was likely to be seen by a general audience, including children. The comical image of the sheep was likely to appeal particularly to children, whose parents would probably want them to avoid apparent allusions to a strong swear-word. The Tesco Mobile adverts were similarly placed on untargeted posters and non-age targeted social media that were viewable by a general audience, including children, and as such were found in breach of the social responsibility rule. However, Tesco Mobile's food puns that were placed in the *Daily Mail* and *Daily Express* were cleared on the grounds that children were unlikely to see them in print media that were primarily intended for adult audiences and had to be actively purchased either in a shop or by subscription. Likewise, the obscured version of the word 'fuck' on the BrewDog beer poster reflected similar use of language elsewhere in publications like *The Week* and *The Economist*, where the ad also appeared (in addition to untargeted billboards). Since both of these publications offered subscription-only content, the ads therein were found suitably targeted.

Conclusions

Swearing in ads often attracts attention, and complaints. The article offered a fresh snapshot of the ASA's decision-making on swear-vertising (June 2017-June 2022) and conducted a systematic mapping of its recent rulings in order to enhance our understanding of how the regulator responds to different marketing tactics and nuances in this underexplored space. From a regulatory standpoint, an unjustified lack of verbal hygiene in advertising is likely to prove counterproductive. Swear-play in an ad is not always off-limits but in order to

⁷² ASA ruling on Spotify Ltd (4 December 2013) <<https://www.asa.org.uk/rulings/Spotify-Ltd-A13-245002.html>> accessed 2 June 2022.

⁷³ ASA Ruling on URBN UK Ltd t/a Urban Outfitters (10 April 2013) <<https://www.asa.org.uk/rulings/urbn-uk-ltd-a13-218620.html>> accessed 8 June 2022.

successfully slipstream its emotional impact it needs to be executed in a manner that correctly judges moods, timing, and phrasing, without thinking 'FCUK advertising regulation'.

There is no concrete guidance on where the line of acceptability lies precisely, but explicit use of the strongest swear-words is unlikely to ever be unacceptable in marketing communications in any media (see further Figure 2a, p. 19). So far as implicit swear-vertising is concerned, the boundaries are less clear-cut. Complaints are more likely to be upheld where the substitute for an expletive is redolent of a strong or relatively milder swear-word; or in other words, when the average consumer cannot read the ad without activating the alternative, phonetic pronunciation of the expletive. As a general rule, it may be suggested that the closer the link to well-known expletives - both phonetically and visually - and the more obvious the allusion to them, the more likely it is that the use of the swear-play will be deemed problematic, even if there is an attempt to present it in a playful manner (see further Figure 2b, p. 20).

Importantly, the appropriateness of implicit swear-vertising is contextually variable. The extent to which bad language and taboo words are acceptable depends on the severity of the terms used, the medium in which the controversial language appears, the likely expectations of the defined audience, the overall tone of the ad and impression it creates, as well as the relevance of the swear-play to the product or service promoted: is the use of the word contextually justified or is it gratuitously included just to titillate and shoehorned into a second meaning for cheap laughs? In short, it is not only what was said, but also how it was said, when and where. Some narrow exceptions may be permitted with respect to charity-linked advertising.

Table 1a

ASA Ruling on	Rules engaged	Outcome	Complaints
Paramount UK Partnership t/a Comedy Central, Paramount Comedy Channel (June 2022) <i>Pre-roll YouTube ad</i>	Harm and offence, social responsibility	Upheld	1
Tesco Mobile Ltd (May 2022) <i>National newspaper, social media, and digital outdoor posters</i>	Harm and offence, social responsibility	Partly upheld	60
Lamb & Co. Property Ltd (Apr. 2022) <i>Poster</i>	Harm and offence, social responsibility	Upheld	1
Green Flag Ltd (Nov. 2021) <i>Television</i>	Harm and offence, social responsibility, scheduling	Not upheld	46
Domino's Pizza Ltd (Nov. 2021) <i>Leaflet</i>	Harm and offence, social responsibility	Not upheld	9
Bamby H2O (Mar. 2021) <i>Pre-roll YouTube ad</i>	Harm and offence, social responsibility	Upheld	1
BrewDog Plc (Nov. 2020) <i>Press and magazine ads, and outdoor poster</i>	Harm and offence, social responsibility	Partly upheld	25
KFC Great Britain Ltd (Dec. 2019) <i>Poster and free-press ads</i>	Harm and offence, social responsibility	Upheld	40
Channel 4 TV Corporation (Dec. 2019) <i>Outdoor poster</i>	Harm and offence, social responsibility	Upheld	1
BrewDog Plc (Dec. 2019) <i>Billboard media</i>	Harm and offence, social responsibility	Upheld	26
Digital Mums Ltd (Jan. 2018) <i>Digital outdoor</i>	Harm and offence	Upheld	4
The George Pub and Grill (Aug. 2017) <i>Social media (Facebook page)</i>	Harm and offence, social responsibility	Upheld	1
SodaStream Worldwide Trading Company (May 2017)	Harm and offence, social	Partly upheld	3

<i>Internet (on own site)</i>	responsibility, misleading advertising and substantiation, comparisons with competitors, environmental claims		
ReadMob Technologies (HK) Ltd t/a carolgames.com (Aug. 2017) <i>Paid-for Facebook post</i>	Harm and offence, social responsibility	Upheld	1

Table 1a: Overview of ASA rulings analysed (2017-22)

Table 1b

ASA Ruling on	Rules engaged	Outcome	Complaints
Rakuten Europe Sàrl (Jun. 2016) <i>Internet (display ad) for the 'UNT Mug'</i>	Harm and offence, social responsibility	Upheld	2
Bedworld (North) Ltd (Apr. 2015) <i>Television</i>	Harm and offence, social responsibility and scheduling	Partly upheld	10
Booking.com BV (Feb. 2015) <i>Television</i>	Harm and offence, social responsibility	Not upheld	2,345
Agriculture and Horticulture Development Board t/a lovepork.co.uk (May 2013) <i>National press</i>	Harm and offence	Not upheld	3
Spotify Ltd (Dec. 2013) <i>Promotional email</i>	Harm and offence	Upheld	1
URBN UK Ltd t/a Urban Outfitters (Apr. 2013) <i>Promotional email</i>	Harm and offence	Not upheld	1
Smellyourmum.com Ltd (Mar. 2013) <i>Internet ad</i>	Harm and offence	Upheld	1
The Sofa King Ltd (Jun. 2012) <i>Regional press</i>	Harm and offence, social responsibility	Upheld	3

Table 1b: Overview of older ASA rulings discussed (outside of the 2017-22 timeframe). This table only includes rulings that are still publicly available on the regulator's website but does not list older rulings that are cited in this paper and are reported in the press.

Figure 2a

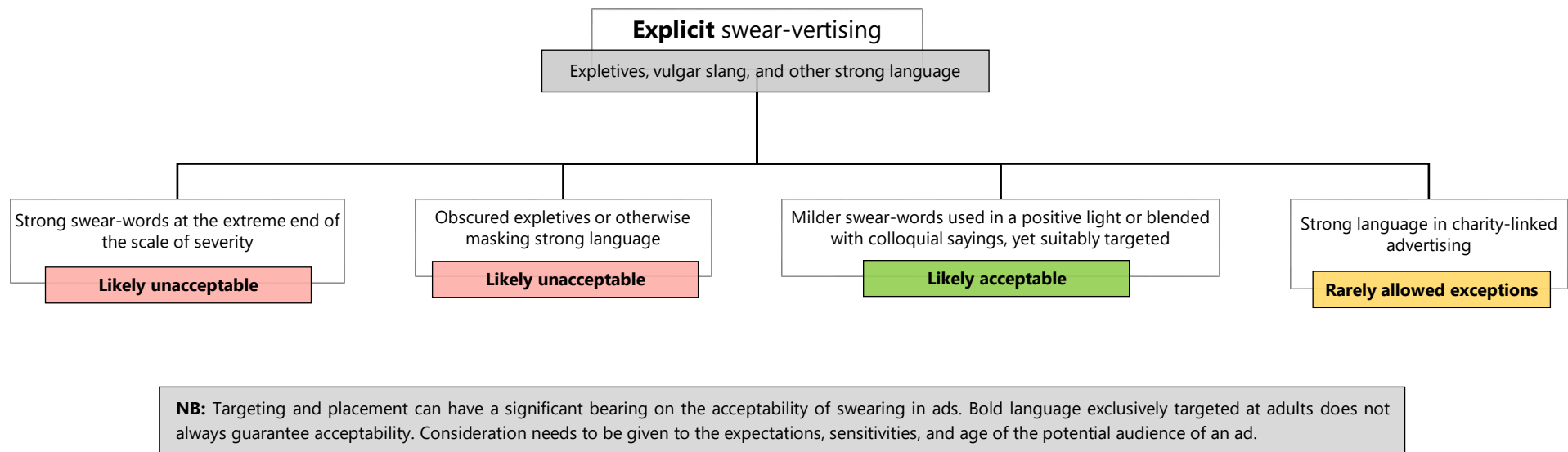


Figure 2a: Summary of key themes in *explicit* swear-vertising and language acceptability according to ASA standards

Figure 2b

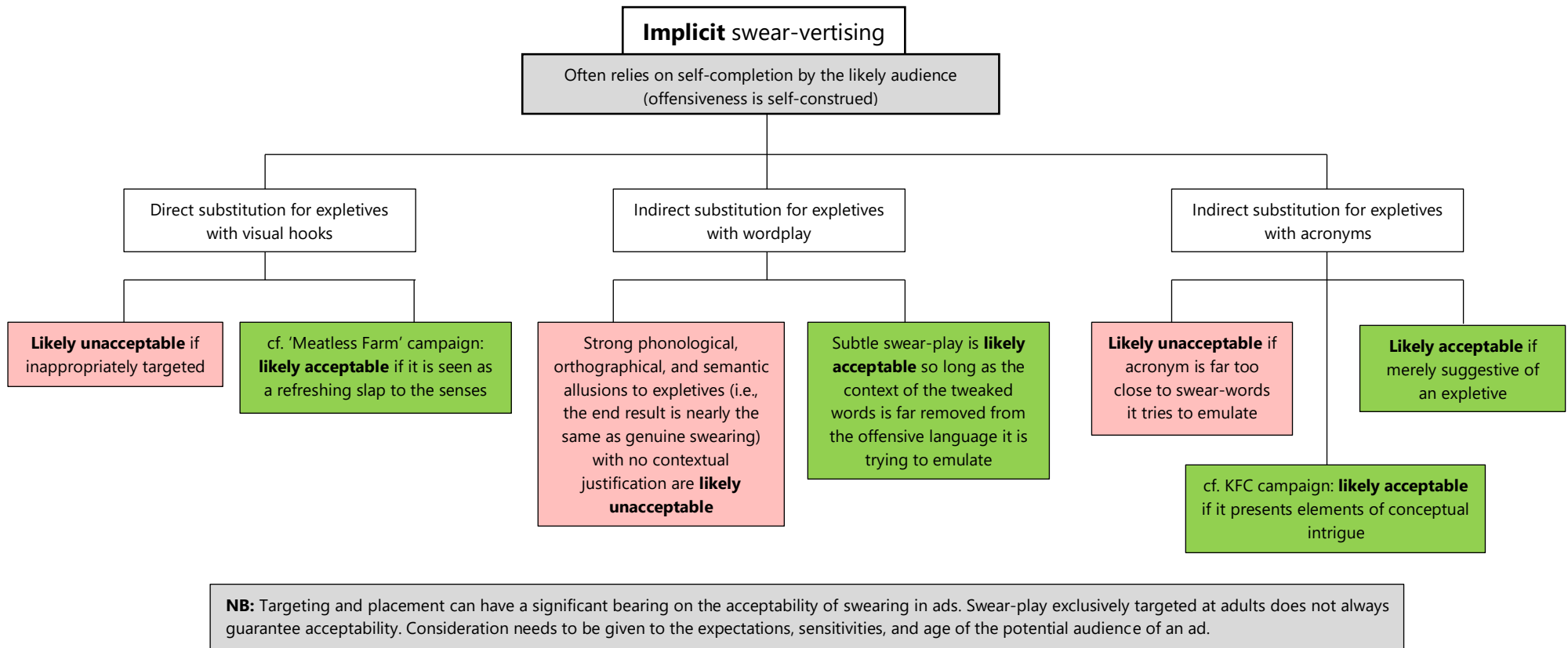


Figure 2b: Summary of key themes in *implicit* swear-vertising and language acceptability according to ASA standards