

Complaint Review Report

Complaint by _____ and the
rf. 0032

The ARIA/AMRA Code of Practice Ombudsman is authorised to provide a final level of review for complaints about the labelling of recordings made to the Complaints Handling Service, established under the ARIA/AMRA Recorded Music Labelling Code of Practice. The Ombudsman Terms of Reference state that the Ombudsman may make one or more of the following recommendations in a Complaint Review Report:

- that a product be reclassified;
- that the ARIA/AMRA member in question communicate with the complainant;
- that, upon proof of purchase, an AMRA member provide a refund or exchange to the complainant.

Complaint

_____ contacted the Complaint Handling Service on 3 February 2006 with his complaint about the sexual innuendo and descriptive language used in lyrics of the track "Foxtrot Uniform Charlie Kilo" by Bloodhound Gang. _____ stated that he considered the track to be out of context on the album marketed to preteens and young teenage girls, and questioned why the album did not carry a warning label. _____ has also made representations on this matter to his local Federal Member of Parliament, _____ who has also written to the Complaints Handling Service on _____ behalf.

Action by Complaint Handling Service

The Complaints Handling Service has informed _____ and _____, that Sony/BMG does not consider that the So Fresh Summer 2006 album requires a warning label due to the lyrics of track 3 titled "Foxtrot Uniform Charlie Kilo" performed by Bloodhound Gang. The reasons for this decision provided by Sony/BMG were that "the track did not warrant a warning label as it does not include any coarse or offensive language. Furthermore, Sony/BMG considered the references to sexual activity, whilst frequent, to be low in impact, metaphorical and clearly offered in a humorous context". _____ has requested that the decision of Sony/BMG be forwarded to the ARIA Code of Practice Ombudsman for review.

Ombudsman's Review of Complaint

In reviewing Sony/BMG's decision, account has been taken of the classification criteria referred to in the AMRA/ARIA Labelling Code of Practice Guidelines, the soundtrack "Foxtrot Uniform Charlie Kilo" and its lyrics, and the issues raised by _____ and _____, in their complaint.

The lyrics are clearly enunciated on the soundtrack, and are for the most part quite audible. The album also includes a booklet of printed lyrics. The sexual innuendo in the lyrics is sustained throughout, and although generally expressed metaphorically, on occasion uses crude imagery such as "marinate the nether rod in the squish mitten" and "pressure wash the quiver bone in the bitch wrinkle". The listener is left in little doubt as to what is referred to. The meaning is reinforced and clarified by the acronym of the track title, as well as the repeated end chorus "put the you know what, in the you know where". While there are no expletives included in the lyrics, nevertheless the sustained and obvious sexual innuendo and crude metaphors used throughout this track have an accumulative moderate impact, which warrants a Level 1 warning label under the ARIA/AMRA Labelling Code of Practice.

Recommendations

The recommendations of the ARIA/AMRA Code of Practice Ombudsman are:

1. That the album So Fresh Summer 2006 be reclassified Level 1, by labelling all albums already distributed to retailers with Level 1 stickers, and ensuring that all albums to be distributed to retailers in the future carry Level 1 stickers.
2. That Sony/BMG confirm in writing the action it has taken to reclassify the So Fresh Summer 2006 album to the complainant
, ARIA, AMRA and the ARIA/AMRA Code of Practice Ombudsman.
3. The report of the Complaints Handling Service states that has already returned the album to the place of purchase, however it is not clear whether he has been offered a refund or exchange to date. If this has not occurred, a further recommendation is that be offered either a refund or exchange for his unsatisfactory purchase.

Una Lawrence
ARIA/AMRA Code of Practice Ombudsman

27 April 2006