

**Resolution No.**  
**ZO/048/26o of March 18,**  
**2026**  
**Adjudication Panel in**  
**Case No. KER/002/26**

The Adjudication Panel of the Advertising Ethics Committee, operating under the Council of Advertising Associations, composed of:

- **Piotr Chęćielewski - member**
- **Agnieszka Przewoźnik – Chair**
- **Sławomir Skowerski – Member**

at a meeting on March 18, 2026, after reviewing the complaint, file no. KER/002/26, filed pursuant to Section 12 of the Rules for the Review of Complaints by a consumer (details in the case file) against CEM SOFTWARE LTD, headquartered in Hanoi City, Vietnam, in a case concerning the game Say the Word On Beat, assessed the advertising message in question.

**OPINION – EVALUATION OF THE ADVERTISEMENT**

Acting in the public interest and drawing on experience gained from cooperation with consumer organizations, the Office of Competition and Consumer Protection, as well as organizations promoting advertising market standards in other countries and at the international level (including The European Advertising Standards Alliance, EASA), and with the aim of protecting consumer interests, the Advertising Ethics Committee analyzed the presented advertising message for compliance with generally accepted ethical principles and good market practices.

In a complaint submitted to the Advertising Ethics Committee (hereinafter also: “AEC”), the consumer (hereinafter also: “the Complainant”) alleged that CEM SOFTWARE LTD, based in Hanoi City, Vietnam (hereinafter also referred to as “the Respondent”), engages in advertising that violates ethical standards.

According to the complaint:

*say the letter/word on beat (very easy)*

*auauauau*

*hertheherthehertheherthe*

*stupidnickherstupidnickher*

*ulostthegameulostthegame*

*stupidnickherulostthegame*

*Say the word on beat*

*the game involves saying words at the right tempo*

*2/5 are the syllables STU PID NICK HER, which phonetically spell out "stupid nigger"*



*The game is often played by young children, who definitely should not be exposed to such words, especially since this is intentional—it continues with “you lost the game, stupid nigger.”*

Based on the content of the complaint, the message was classified as potentially violating the standards of the Code of Advertising Ethics, derived in particular from the provisions of Article 2(1), Article 25, and Article 32 of the Code of Advertising Ethics, as well as Article 4 of the Charter for the Protection of Children in Advertising of the Code of Advertising Ethics.

**Article 2**

- 1. Activities covered by the provisions of the Code shall be carried out with due diligence, in accordance with good customs, conducted with a sense of social responsibility, and in accordance with the principles of fair competition.*

*(...)*

**Article 25**

*Advertisements directed at children or adolescents must take into account their stage of development and must not endanger their physical and mental well-being or their future moral development.*

**Art. 32**

*The provisions of Articles 22–31 shall also apply mutatis mutandis to advertisements that are not directly aimed at children but are viewed by children due to their form, location, and manner of presentation. This applies in particular to advertisements broadcast on television in the vicinity of children’s programs, advertisements shown in movie theaters before children’s films, and outdoor advertising.*

**Article 4 of the Charter for the Protection of Children in Advertising**

*The signatories of the Charter declare that they will exercise the utmost care to ensure that advertising messages addressed to children, as well as those not directly addressed to them but which, due to their form, location, and manner of presentation, are viewed by children, do not contain content that could negatively affect their development.*

The Respondent did not present a position on the matter.

In light of the Respondent’s failure to respond to the complaint and their absence from the hearing, the Adjudication Panel adopted a resolution in the form of an opinion evaluating the complained-of advertisement based on generally accepted ethical standards pursuant to Article 34 of the Complaint Review Regulations.

**The Adjudication Panel found that the content in question violates generally accepted ethical standards.**

The evidence submitted by the Complainant indicates that the advertisement took the form of a short video (shorts) on the YouTube platform. The advertisement promotes the game Say the Word on Beat. The game involves repeating words that appear on the screen. The sequence of words was as follows:

*auauauau*



*hertheherthehertheherthe  
stupidnickherstupidnickher  
ulostthegameulostthegame  
stupidnickherulostthegame*

The time of the advertisement's broadcast indicated by the Complainant is December 31, 2025, at 10:13 a.m.

The evidence shows that the contested advertisement promoted a game involving the repetition of syllables and words displayed on the screen in a specific rhythm. The phonetic arrangement of the individual syllables ("stu-pid-nick-her") created, when taken as a whole, an expression that was derogatory and demeaning to Black people. Later in the advertisement, this combination was further reinforced by a message about losing ("you-lost-the-game"), which intensified its negative connotation. The Adjudication Panel (hereinafter also: "AP") noted that the phonetic device used was not accidental and led to an unambiguous association with an offensive and commonly recognized racially derogatory term.

With this in mind, in the ADB's assessment, the message was not prepared with due diligence or in accordance with good morals and a sense of social responsibility. The use of elements in the message that lead to a racial slur constitutes a form of discrimination, which is unacceptable in marketing communications.

Children could also have been the audience for the complained-about advertisement. The reception of the message in question may negatively affect the moral development of minors, reinforce harmful language patterns, and normalize hate speech.

The Adjudication Panel emphasized that advertising must not employ linguistic mechanisms that lead to the covert or indirect conveyance of racist content. Such actions, even if they take the form of wordplay or a phonetic device, remain contrary to fundamental ethical standards and the principle of respect for human dignity.

In light of the above, and considering the content of the complaint, the Adjudication Panel assessed the advertisement in question as outlined.

If you have any additional questions, please direct them to the Advertising Council Association in the manner indicated on our website [www.radareklamy.pl](http://www.radareklamy.pl). We will endeavor to provide all possible information and advice to ensure the highest ethical standards and adherence to good market practices in the advertising market in Poland.

### **Dissenting Opinions**

None.



*Pursuant to Section 58 in conjunction with Article 34 of the Rules for the Consideration of Complaints, the Complainant may appeal the Adjudication Panel's Resolution within ten days of the Resolution's delivery. The grounds for appeal may consist solely of new facts and evidence unknown to the Adjudication Panel on the date of the Resolution against which the Party is filing the appeal.*