

COMPLAINT NUMBER	17/272
COMPLAINANT	C Rao
ADVERTISER	Hell Pizza
ADVERTISEMENT	Hell Pizza, Radio
DATE OF MEETING	12 September 2017
OUTCOME	Not Upheld

SUMMARY

The radio advertisement for Hell Pizza flavour 'Number 66' had a Chinese woman listing the ingredients of the Asian inspired pizza before being interrupted by an English-speaking man who said, in part: 'What the... Ummmmm, ok... let me translate that for you'.

The Complainant said the statement "What the... Ummmmm, ok... let me translate that for you" advertisement was offensive and implied only English was okay in the advertisement and disrespected other cultures and languages.

The Advertiser said the Complainant had misinterpreted the advertisement which was intended to reflect a surprised reaction from a person who did not understand Mandarin.

The Complaints Board was of the view saying, "What the... Ummmmm, ok... let me translate that for you" after spoken Mandarin was not offensive in the context of an advertisement for an Asian-flavoured pizza.

The Complaints Board said the advertisement, while offensive to the Complainant, did not reach the threshold to cause serious or widespread offence, and was not in breach of Principle 4 and Rules 4 and 5 of the Code of Ethics and Basic Principles 3 and 6 of the Code for People in Advertising.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics and Basic Principles 3 and 6 of the Code for People in Advertising.

Basic Principle 4 and Rules 4 and 5 of the Code of Ethics required the Complaints Board to consider whether the advertisement contained anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services) and whether, in light of generally prevailing community standards, the advertisement is likely to cause serious or widespread offence taking into

account the context, medium, audience and product (including services). The Complaints Board were required to consider whether the advertisement had also been prepared with a due standard of social responsibility to consumers and society.

Basic Principle 3 of the Code for People in Advertising required the Complaints Board to consider whether the advertisement portrayed people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 6 of the Code for People in Advertising allows for humour and satire as natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint from C Rao

The Complainant said the part of the advertisement where it said: "What the..." after the ingredients had been listed in Mandarin made them feel uncomfortable and said the "the context is 'contempt' 'despise' and 'scorn'." The Complainant said the advertisement implied speaking Mandarin on the radio made the man in the advertisement feel sick and normalised a disrespect of other cultures and languages.

The Complainant also said, in part "this ad also fools and bullies Mandarin speakers, especially those who don't know English well. Once they hear the first Mandarin part of ad. and don't understand the context of the 'turning point', they will feel it is a good ad."

Response from the Advertiser, Hell Pizza

The Advertiser responded to the Complainant's concerns and was of the view the Complainant had misinterpreted the advertisement.

The Advertiser said, in part: "This is a factual ad that reads out the ingredients in Mandarin and then English, the only non-factual part was when the English speaker says 'What the... Ummmmm, ok... let me translate that for you'

We think that this would be a normal response from someone who does not understand Mandarin, and in no way condescending to Chinese."

Complaints Board Discussion

The Complaints Board turned to consider whether the advertisement offended against generally prevailing community standards and whether it was likely to cause serious or widespread offence to speakers of Mandarin, or people in general.

The Complaints Board noted while the advertisement used an expression that could be associated with an expletive, no such words were spoken in the advertisement. It acknowledged that "what the..." without the inclusion of a swear word was a colloquial term and part of common everyday vernacular in New Zealand. It also noted the advertisement played on RadioActive. The Complaints Board agreed the advertisement in this context was unlikely to offend against generally prevailing community standards.

The Complaints Board said the statement, "What the... Ummmmm, ok... let me translate that for you" after spoken Mandarin did not reach the threshold to be offensive in the context of

an advertisement for an Asian-flavoured pizza. The Complaints Board said the likely consumer takeout was an expression of surprise at Mandarin being spoken in a radio advertisement, not contempt as suggested by the Complainant.

The Complaints Board did not consider the advertisement would encourage people to ridicule Mandarin speakers or cause serious or widespread offence.

The Complaints Board acknowledged the Complainant's sincere concerns that the advertisement showed contempt for Mandarin speakers. The Complaints Board did not consider this would be the likely message most consumers took from the advertisement. In the Board's view, promoting an Asian-flavoured pizza in Mandarin, then in English – despite the linking phrase, did not meet the threshold to breach the Code of Ethics or the Code for People in Advertising.

The Complaints Board ruled the advertisement was not in breach of Basic Principles 3 and 6 of the Code for People in Advertising or Basic Principle 4, Rule 4 and Rule 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The radio advertisement for Hell Pizza flavour 'Number 66' had a Chinese woman listing the ingredients of the Asian inspired pizza before being interrupted by an English-speaking man. The advertisement said, in part:

“Chinese lady:

Attention! Hell Pizza has a new Chinese gourmet pizza called 'Number 66', with Char Siu pork, spring onion, and hoisin sauce, with pickled green chillies on the side. You must try pizza Number 66 while stocks last. Order it online at hell.co.nz.

Male:

What the... Ummmmm, ok... let me translate that for you. Try HELL's new Chinese-inspired gourmet pizza called Number 66, loaded with Char Siu free range pork, hoisin sauce, sesame seeds, red peppers, and served with special Chinese condiments on the side.

Number 66 is now ready at hell.co.nz!

COMPLAINT FROM C RAO

First, a lady voice to promote their 66 promotion in Mandarin. Then, suddenly a English spoken man said "What the xxx", then he re-phrased it in English again.

As an ad, it can use a lot of different ways to promote the products or service. However, Hell Pizza is using a totally uncomfortable way, especially to me, a Chinese-Mother language spoken man, who live and work in Auckland for over 16 years, who understand bi-language context and background very well.

Further information from Complainant, C. Rao

I used to study language and literature at the University.

My study was focused on tones, sounds and context applications in different languages.

The Mandarin language was pronounced very well, which made me to make a complaint about the next part of the Hell Pizza ad.

The most uncomfortable part was that the Ad. used "What the xxx" as the turning point between Mandarin and English. "What the xxx" is not a positive phrase.

The context is "contempt" "despise" and "scorn".

The ad's background showed the male English spoken person felt sick, why a Mandarin spoken ad was here? It should be never this way.

Then, he quickly and passionately fixed it by his English. It hinted only "pure" English can be played in the radio.

The ad didn't fully pronounce out "xxx" words, which proved the ad. producer knew "xxx" was a bad word. Bad enough not to speak out.

This ad also fools and bullies Mandarin speakers, especially those who don't know English well. Once they hear the first Mandarin part of ad. and don't understand the context of the "turning point", they will feel it is a good ad.

Similar situation you can find in multi-nation football game, one side player talks to the other side player in swear words with smile on face. This Hell Pizza ad is doing exactly the same way.

On the other side, as English spoken listeners keep listening to this kind of radio, they will feel disrespecting other language and culture is very easy and normal, because the radio is teaching them doing it all the time.

I am worrying such kind of media ads will cause any further social and racial problems.

The equality of race and culture in NZ is to be challenged in future.

As I said, there are thousands way to promote a product and service.

Why to choose this cheap way?

Based on the above points of view, I make the complaint and request removing the ad.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 4 Decency: - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5 Offensiveness: - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

CODE FOR PEOPLE IN ADVERTISING

Basic Principle 3: Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 6: Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

RESPONSE FROM ADVERTISER, HELL PIZZA

Contact person for advertising complaints	Callum Davies
A basic, neutral description of the advertisement	A radio ad for our new Chinese inspired pizza with the ingredients read out on Mandarin and then English
Date advertisement began	21/7/17
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Radio
Is the advertisement still accessible – where and until when?	
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	Attached
Who is the product / brand target audience?	Anyone with a mouth
Clear substantiation on claims that are challenged by the complainant.	I think too much has been read into this ad by the complainant. This is evident by being the sole complaint. It would appear that they studied language and literature; perhaps they are picking up some very subtle connotations that we cannot or is just reading too much into this innocent ad.
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	We are no strangers to controversial advertising, this ad however is far from pushing any boundaries and is probably one of the most innocuous radio ads we have ever done. Comparing this ad to smiling players swearing at opposition shows that the Complainant has grossly misinterpreted our intention behind this ad. This is a factual ad that reads out the ingredients in Mandarin and then English, the only non factual part

	<p>was when the English speaker says 'What the... Ummmmm, ok... let me translate that for you'</p> <p>We think that this would be a normal response from someone who does not understand Mandarin, and in no way condescending to Chinese.</p>
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Advertisement transcript

Chinese lady:

Attention! Hell Pizza has a new Chinese gourmet pizza called 'Number 66', with Char Siu pork, spring onion, and hoisin sauce, with pickled green chillies on the side. You must try pizza Number 66 while stocks last. Order it online at hell.co.nz.

Gavin:

What the... Ummmmm, ok... let me translate that for you. Try HELL's new Chinese-inspired gourmet pizza called Number 66, loaded with Char Siu free range pork, hoisin sauce, sesame seeds, red peppers, and served with special Chinese condiments on the side.

Number 66 is now ready at hell.co.nz!

RESPONSE FROM MEDIA – MEDIA WORKS

This spot was supplied to us by Hell Pizza's advertising agency, and was broadcast in good faith. The contract this was playing on has ended, with the last spots playing on Sunday August 13.