

COMPLAINT NUMBER	17/431
COMPLAINANT	E Thorpe
ADVERTISER	Isuzu
ADVERTISEMENT	Isuzu, Television
DATE OF MEETING	12 December 2017
OUTCOME	Not Upheld

SUMMARY

The Isuzu television advertisement shows an Isuzu D-Max truck being driven over rural terrain by John, whom the voiceover describes as a “good bastard” for trading in his vehicle so somebody else can have his old Isuzu D-Max.

The Complainant said it was rude and vulgar for the advertisement to use the word ‘bastard’.

The Complaints Board agreed the term ‘good bastard’ was a colloquial reference used in a good natured, positive message about looking out for others in a rural community.

In terms of context, medium and intended audience, the Complaints Board said the advertisement used language which was unlikely to offend its target demographic.

The Complaints Board said the use of the word ‘bastard’ in this advertisement did not reach the threshold to offend against the prevailing community standards, cause serious or widespread offence and met the required due sense of social responsibility. Therefore, the Complaints Board ruled the advertisement was not in breach of Basic Principle 4 or Rules 4 and 5 of the Code of Ethics.

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 Chairman directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics. This required the Complaints Board to consider whether or not the advertisement contained anything which clearly offended against the generally prevailing community standards or was likely to cause serious or widespread offence taking into account the context, medium, audience and product. The Complaints Board was also required to consider whether or not the advertisement had been prepared with a due sense of social responsibility.

The Complaints Board ruled the complaint was Not Upheld

The Complaint

The Complainant said it was rude and vulgar for the advertisement to use the word 'bastard' at 7:00pm when their young child was watching.

The Advertiser's Response

The Advertiser explained the term was intended as a compliment and the context it was used in was a positive one. It considered the word 'bastard' to be a colloquial term and cited several examples of it being used in other media campaigns. The Advertiser confirmed it had researched and tested public usage and reaction to the word 'bastard' before running the campaign.

The Complaints Board Discussion

The Complaints Board acknowledged the extensive background research the Advertiser had undertaken in order to be confident its use of the word 'bastard' matched the expectation of mainstream New Zealanders, researching previous usage and carrying out public testing before running the campaign.

The Complaints Board confirmed the advertisement had been given a PGR (Parental Guidance Recommended) rating by the Commercial Approvals Bureau who explained the rating "prevents it playing anywhere outside of news and current affairs or post before 7pm programming." The Complaints Board noted the programme in which the advertisement subject to complaint aired, *The Crowd Goes Wild*, was targeted at an adult audience and played after 7:00pm and therefore, the advertisement had played within the constraints of its afforded rating.

While acknowledging the offence the advertisement caused the Complainant and their young child, the Complaints Board said the placement and timing of the advertisement was unlikely to cause serious or widespread offence to most people viewing this content after 7:00pm.

The Complaints Board said the term 'good bastard' had become a colloquial term in New Zealand's vernacular and was being used in mainstream media as a synonym for 'good bloke' In this context the advertisement had taken a light-hearted positive interpretation of the term, which was directly relevant to the rural humour of the target demographic for the advertisement.

The Complaints Board noted the word 'bastard' was ranked a low 24th on the Unacceptable Words On Television and Radio list published by the Broadcasting Standards Authority.

The Complaints Board concluded the word 'bastard' in the advertisement was used in a colloquial context and did not reach the threshold to offend against the prevailing community standards or cause serious or widespread offence. It said the advertisement had met the required due sense of social responsibility. Therefore, the Complaints Board ruled the advertisement was not in breach of Basic Principle 4 or Rules 4 or 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled to not uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The Isuzu television advertisement shows a truck being driven over rural terrain with the voiceover saying "This is John Simpson from Mount Hay Station, Tekapo. John's been driving this D-Max for a while now. It's been a great truck and its got heaps of life left yet. But even so, he'll be driving into town to the dealer soon and trading it in for a new D-Max, so someone else can have this one."

John's a good bastard! Be like John! Trade up to a new Isuzu D-Max, so someone else can have your old one." The advertisement ends with the tag-line "Be a Good Bastard."

COMPLAINT FROM E THORPE

The adverts follows John a farmer. It then goes on to state he is upgrading his truck and is "a good bastard". The closing tag line on screen written is "be a good bastard".

This is simply rude and vulgar particular when on at 7pm and my 4 year old asking what a bastard is.

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).

RESPONSE FROM ADVERTISER - ISUZU

Thank you for your email of 30th November 2017 advising the ASA has received a complaint in relation to the IUNZ's current television commercial.

In particular ASA wishes to question compliance with the Code of Ethics. Specifically, the following clauses:

1. **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).

In IUNZ's view, the phrase "good bastard" does not clearly offend against currently prevailing community standards. Quite the reverse, it is a compliment. The urban dictionary defines it as follows:

"Good bastard" – slang used in New Zealand and Australia to positively describe the character of a male they know personally. *"Bob's a good bastard no matter what people say about him"*

Arguably "good bastard" is a Kiwi colloquialism that's been around for decades. It's used to describe someone that's loyal, generous, honest and always ready to help out a mate. It's a phrase regularly used in media headlines, to describe a particularly staunch All Black or some other public figure we admire. In fact one of our most prominent and most loved New Zealanders, Sir Edmund Hillary used the phrase "We Knocked the Bastard Off" after scaling Mount Everest.

2. **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).

IUNZ believe “good bastard” is a very long way from causing serious or widespread harm. It is a term of endearment in a male environment and this is the audience to which it was addressed. IUNZ appreciate that the complainant may have felt that use of the word “bastard” was inappropriate. But with respect, this is taking one word in isolation rather than interpreting the entire phrase.

In addition, it’s worth noting the level of cautionary measures IUNZ went to prior to running this campaign to ensure IUNZ’s understanding of the word bastard matched that of mainstream NZ. IUNZ looked at usage in mainstream media, Broadcasting Standards Authority documentation, similar ASA cases, reviewed the scripts with Facebook and CAB and then carried out incremental public tests. Specifically, here’s a summary of IUNZ’s actions:

1. *Mainstream media* – featured in NZ Herald headlines and articles and as a cause on the givealittle.co.nz site (relevant documents attached)
2. *Broadcasting Standards Authority* - highlights bastard as well down the list of unacceptable words at 24 – (relevant documents attached)
3. *ASA cases* - reviewed similar cases that went before the ASA and saw that complaints in relation to bastard being used in a positive way have been found to have no grounds for complaint for example ‘good bastard’. When used in a negative way, for example ‘evil bastard’ it was viewed in a different light – (relevant documents attached)
4. *CAB and Facebook* - received clearance from CAB to run the ad (after 7:00pm) and Facebook (relevant documents attached)
5. *Tested the campaign* - IUNZ incrementally tested the campaign prior to sharing it with the wider public. First, IUNZ shared it with a few hundred IUNZ customers, after receiving positive feedback IUNZ then shared it with 1000s of newsletter subscribers. Then a targeted audience of 4,500 people through Facebook, then 10,000 people through Facebook. Having received positive feedback, IUNZ felt comfortable running the campaign as part of the IUNZ sponsorship with Crowd Goes Wild.

Contact person for advertising complaints	Kathryn Hayward Isuzu Utes New Zealand Limited
Name and contact at creative agency	Jono Earles Shine
Name and contact at media agency	Martin Gillman Krunch
A basic, neutral description of the advertisement	The advertisement focuses on an Isuzu D-Max owner and a farmer who lives at Lake Tekapo. The owner uses his D-Max for work on the farm, the advert follows the owner using his D-Max on his farm. The voice over describes how the owner drives his D-Max and that it’s got ‘heaps of life left yet’ and that it’s been a good truck. The voice over talks about how the vehicle

	<p>has been a good ute, even so he will be trading it in for the new Isuzu D-Max so that someone else who can't afford a new D-Max can purchase his traded in ute, as that's what a good bastard would do.</p> <p>The ad then encourages D-Max owners to trade up to the new Isuzu D-Max and be a good bastard like this particular owner.</p>
Date advertisement began	Thursday 2 nd November 2017
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Digital Ads on Youtube and Facebook, TVC during the 'Crowd Goes Wild' TV Program, Isuzu Utes New Zealand website and Isuzu Utes Dealer websites
Is the advertisement still accessible – where and until when?	Yes, accessible online, on Youtube, Facebook ads and being run as a TVC during the 'Crowd Goes Wild' TV Program after 7:00pm.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	
Who is the product / brand target audience?	The target audience for this ad is New Zealanders who are 25+ who either currently own an Isuzu vehicle or who may purchase one in the future
Clear substantiation on claims that are challenged by the complainant.	Please see attached letter.
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.	
For Broadcast advertisements:	
A copy of the script	Please see attached
A copy of the media schedule and spot list	Features on Crowd Goes Wild after 7pm. And also on Facebook to people over the age of 18.
CAB key number and rating	ISU024230J

For Digital advertisements:	
What platform tools have you used to target your audience?	Isuzu Utes New Zealand have followed a strict process with the deployment of digital advertisements. Ads are targeted to reach those of an age 18 and over this is done through careful targeting and audience creation using Facebooks audience platform. This line with limited TVC broadcasting after 7pm to the Crowd Goes Wild demographic.

RESPONSE FROM MEDIA – COMMERCIAL APPROVALS BUREAU

ISUZU TELEVISION ADVERTISEMENT

COMPLAINT: 17/431 KEY: ISU024230J RATING: PGR

We have been asked to respond to this complaint under the following codes:
Code of Ethics – Basic Principle 4, Rule 4, Rule 5;

CAB approved this Isuzu commercial on 09/11/17 with a PGR classification. Under CAB internal policies, this commercial is classified as a Motor Vehicle advertisement and the PGR rating prevents it from playing anywhere outside of news and current affairs or post-7pm programming.

PGR classifications are a useful tool for ensuring advertisers can reach their intended audiences without alienating others. We may recall that the Toyota “Bugger” ad had the same PGR rating, allowing it to play at appropriate times without widespread offense to the satisfaction of both Rules 4 and 5.

A complainant viewed this commercial post-7pm during the sports news and current affairs show ‘The Crowd Goes Wild’. This programme satisfies the criteria for a PGR placement, and its viewership directly matches the market for Isuzu 4x4.

In CAB’s view this matter has a very famous precedent with the case of the Toyota “Bugger” campaign, and while time has passed since that landmark decision, we believe the principles established then still remain.