

<b>COMPLAINT NUMBER</b>	18/052
<b>COMPLAINANT</b>	S Naran
<b>ADVERTISER</b>	Lion-Beer, Spirits & Wine (NZ) Limited
<b>ADVERTISEMENT</b>	Coruba, Out of Home
<b>DATE OF MEETING</b>	13 March 2018
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The billboard advertisement for Coruba Rum showed people on a street, including two people on a bike and one kicking a soccer ball. The words “wi bizzy chillin” is displayed on the left-hand side and an image of the product, a Coruba bottle and the brand slogan “A taste of Jamaica”.

The Complainant was concerned the wording in the advertisement “wi bizzy chillin” was culturally degrading stating: “Accents are one thing, but misspelling words to enhance an exotic accent perpetuates an us vs them mentality where those with accents unlike our own are wrong, not just different.”

The Advertiser said the statement in the advertisement “wi bizzy chillin” was a Jamaican Patois translation for similar kiwi terms, such as ‘sweet as’, ‘choice’, ‘she’ll be right’ and ‘chill out’. It is a common Jamaican expression and the spelling is taken from actual spelling of the Jamaican Patois language.

The Complaints Board noted the advertisement was for a Jamaican made rum which featured a strong Jamaican theme and people, including the statement “A taste of Jamaica” which provided context for the statement “wi bizzy chillin”. Taking into account generally prevailing community standards, the Complaints Board said the advertisement was unlikely to cause serious or widespread offence to most people, or serious or widespread offence, hostility, contempt, abuse or ridicule.

The Complaints Board said the advertisement was not in breach of Principle 1 of the Code for Advertising and Promotion of Alcohol, Rule 5 of the Code of Ethics and Basic Principle 3 and Basic Principle 4 of the Code for People in Advertising and ruled the complaint was Not Upheld.

### **[No further action required]**

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

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Principle 1 of the Code for Advertising and Promotion of Alcohol, Rule 5 of the Code of Ethics and Basic Principle 3 and Basic Principle 4 of the Code for People in Advertising.

Principle 1 of the Code for Advertising and Promotion of Alcohol required alcohol advertising and promotions observe a high standard of social responsibility.

Rule 5 required the Complaints Board to consider whether the advertisement contained 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).

Basic Principle 3 of the Code for People in Advertising requires advertisements 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 4 of the Code for People in Advertising states that stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

### **The Complaints Board ruled the complaint was Not Upheld.**

#### **The Complaint**

The Complainant was concerned the wording in the advertisement “wi bizzy chillin” was culturally degrading stating: “Accents are one thing, but misspelling words to enhance an exotic accent perpetuates an us vs them mentality where those with accents unlike our own are wrong, not just different.”

#### **Response from the Advertiser, Coruba**

The Advertiser responded to the Complainant's concerns stating, in part: “The Advertisement promotes Coruba Rum. Coruba Rum is distilled in Kingston, Jamaica. In Lion's latest advertising campaign, Lion wanted to communicate to consumers that Coruba Rum is an authentic Jamaican rum product, and promote the brand's history, heritage and origins, including by celebrating Jamaica's unique and colourful language and country.

...Lion therefore created a "Taste of Jamaica" campaign, which provided an opportunity to connect the New Zealand public to the laid back, relaxed nature of Jamaica and Jamaicans. In doing so, Lion wished to introduce New Zealand consumers to Jamaica's people through their culture, diversity, language, rhythm and fun.

The Advertiser specifically addressed the use of the phrase “wi bizzy chillin” stating, in part: “Lion asked the local Jamaican Patois speakers to provide a translation for common kiwi terms, such as ‘sweet as’, ‘choice’, ‘she'll be right’ and ‘chill out’. Lion then filmed Jamaicans in Jamaica speaking their dialect and brought this to life in video content, authentically demonstrating the colourful and vibrant culture that is part of the Coruba brand. One of Lion's aims was to create a connection between Coruba's Jamaican origins and the kiwi public... To add to the authenticity of the Advertisement and the link to Jamaica, a common Jamaican expression is used and the spelling is taken from actual spelling of the Jamaican Patois language.

...The spelling of the expression is not intended to imply, or enhance, a Jamaican accent. There is certainly no attempt to denigrate the Jamaican people, culture, language or accent.

On the contrary, as explained above and as we believe is clear from the Advertisement, the Advertisement is intended to promote Jamaica and its people.”

The Advertiser said the Complainant had misinterpreted the advertisement and said “that the confusion could have arisen because the complainant was less familiar with the Jamaican Patois language. We do not, however, consider that there are any grounds for the Advertisement to be held to cause ‘serious or widespread offence’, especially when taking into account the ‘prevailing community standards’.”

#### **Response from Media, QMS NZ**

The billboard company, QMS NZ, responded to the complaint and said the text, “Wi bizzy chillin” “evokes the laid-back Jamaican lifestyle to support the image. It also sits within the context of informal text speech and fun rather than grammatical correctness.” The Media said, in part, “the text is not intended to offend but to evoke the theme and provide authenticity.”

#### **Complaints Board Discussion**

The Complaints Board was required to consider whether the wording in the advertisement “wi bizzy chillin” was likely to cause serious or widespread offence and whether the advertisement had been prepared with a high standard of social responsibility.

The Complaints Board noted the explanation from the Advertiser that the statement “wi bizzy chillin” was a Jamaican Patois translation for similar kiwi terms, such as ‘sweet as’, ‘choice’, ‘she’ll be right’ and ‘chill out’. It is a common Jamaican expression and the spelling is taken from actual spelling of the Jamaican Patois language.

The Complaints Board considered the context, product, audience and medium in which the advertisement appeared. It noted the product was a Jamaican-made rum and the advertisement featured a strong Jamaican theme and people, including the statement “A taste of Jamaica” which provided context for the statement “wi bizzy chillin”. While the Complaints Board acknowledged the concerns of the Complainant that the advertisement was culturally degrading, it said taking into account generally prevailing community standards, the advertisement was unlikely to cause serious or widespread offence to most people, or serious or widespread offence, hostility, contempt, abuse or ridicule.

Therefore, the Complaints Board said the advertisement had been prepared with a high standard of social responsibility and was not in breach of Principle 1 of the Code for Advertising and Promotion of Alcohol, Rule 5 of the Code of Ethics or Basic Principle 3 or Basic Principle 4 of the Code for People in Advertising.

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

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#### **DESCRIPTION OF ADVERTISEMENT**

The billboard advertisement for Coruba Rum showed people on a street, including two people on a bike and one kicking a soccer ball. The words “Wi bizzy chillin” is displayed on the left-hand side and an image of the product, a Coruba bottle and the brand slogan “A taste of Jamaica”.

## COMPLAINT FROM S NARAN

I find the text “wi bizzy chillin” culturally degrading. Accents are one thing, but misspelling words to enhance an exotic accent perpetuates an us vs them mentality where those with accents unlike our own are wrong, not just different.

## CODE OF ETHICS

**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 ADVERTISING AND PROMOTION OF ALCOHOL

**Principle 1:** Alcohol advertising and promotions shall observe a high standard of social responsibility.

## 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 4:** Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

## RESPONSE FROM ADVERTISER, RUSSELL MCVEAGH ON BEHALF OF LION - BEER, SPIRITS NZ

1. We act for Lion – Beer, Spirits & Wine (NZ) Limited ("Lion") in relation to Lion's Out of Home advertisement ("Advertisement") and the above complaint ("Complaint"). We set out our client's response below.

The "Taste of Jamaica" campaign

2. The Advertisement promotes Coruba Rum. Coruba Rum is distilled in Kingston, Jamaica. In Lion's latest advertising campaign, Lion wanted to communicate to consumers that Coruba Rum is an authentic Jamaican rum product, and promote the brand's history, heritage and origins, including by celebrating Jamaica's unique and colourful language and country.
3. Lion therefore created a "Taste of Jamaica" campaign, which provided an opportunity to connect the New Zealand public to the laid back, relaxed nature of Jamaica and Jamaicans. In doing so, Lion wished to introduce New Zealand consumers to Jamaica's people through their culture, diversity, language, rhythm and fun.
4. The Advertisement is part of a wider campaign consisting of various advertisements that promote different parts of Jamaican culture – see <https://www.specialgroup.co.nz/nz/work/coruba>. Specifically, the campaign features various locations in Jamaica and:
  - a) local citizens of Jamaica;
  - b) these locals speaking in Jamaican Patois – the most commonly used language in Jamaica. As part of the campaign, Lion asked the local Jamaican Patois speakers to provide a translation for common kiwi terms, such as "sweet as", "choice", "she'll be right" and "chill out". Lion then filmed Jamaicans in Jamaica speaking their dialect and brought this to life in video content, authentically demonstrating the colourful and vibrant culture that is part of the Coruba brand. One of Lion's aims was to create a connection between Coruba's Jamaican origins and the kiwi public;
  - c) traditional Jamaican music; and
  - d) Jamaican dance moves.
5. The Advertisement needs to be considered in the context of the wider advertising campaign, as it is merely a "still" execution of the video content.

### **The Advertisement**

6. The Advertisement shows three local Jamaicans engaging in recreational activities in front of Jamaica's iconic well-known Fleet Street art. The reference to the expression "Wi bizzy chillin" in the Advertisement is intended to highlight that the individuals are relaxed, happy and "chilling" (which is a well recognised phrase in New Zealand).
7. To add to the authenticity of the Advertisement and the link to Jamaica, a common Jamaican expression is used and the spelling is taken from actual spelling of the Jamaican Patois language.
8. The Jamaican Patois language is the most commonly spoken language in Jamaica. As discussed at <http://jamaicanpatwah.com/b/how-to-speak-jamaican-patois#.Wo9uPWwUmUk>:

Jamaican Patois is a strange language in that it has many borrowed words from many different languages, for example, English, Spanish and some West African languages. However, the pronunciations of these words are very similar to Jamaican English. One thing to keep in mind as you learn Jamaican Patois is that it is not a strict, rule-orientated language where there is a "right way" and a "wrong way" to say things. Some words can be pronounced and spelled differently but still mean the

same thing (e.g. both 'Pickney' and 'Pickeney' translates to 'child'). The important thing is whether or not what you are saying can be understood.

9. Jamaican Patois is widely recognised worldwide as an important part of Jamaican culture – Jamaican Patois is taught as a specific language subject at some of the world's top Universities (for example, Harvard University has a Jamaican Patois course as part of the African Language Program <https://alp.fas.harvard.edu/jamaican-patois>).
10. In preparing the Advertisement, Lion took particular care to ensure that the Advertisement was a positive and, importantly, an accurate reflection of Jamaica's rich culture, diversity and heritage (for example, by including local Jamaican people, famous Jamaican art work, Jamaican beaches and Jamaican music). The use of Jamaican Patois is in line with this theme and Lion's aim for the Advertisement and wider campaign. Our client appreciates the interpretation taken by the complainant, however, the complainant appears to be mistaken. The spelling of the expression is not intended to imply, or enhance, a Jamaican accent. There is certainly no attempt to denigrate the Jamaican people, culture, language or accent. On the contrary, as explained above and as we believe is clear from the Advertisement, the Advertisement is intended to promote Jamaica and its people.

### **Consideration of the relevant Advertising Codes of Practice**

11. We have set out our response to each of the relevant Advertising Codes below.

*Code of Ethics - Rule 5 and Code for Advertising and Promotion of Alcohol – Principle 1*

12. Code of Ethics, Rule 5 states:

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).

13. Code for Advertising and Promotion of Alcohol, Principle 1 states:

Alcohol advertising and promotions shall observe a high standard of social responsibility...

g. Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.

14. As outlined above, Lion took care to ensure it observed a high stand of social responsibility in preparing both the Advertisement and the wider campaign.
15. To date, Lion has not received any complaints in relation to the Advertisement or the wider campaign. Our client considers that the complaint received by the Complaints Board relates to the complainant's misinterpretation of the Advertisement, and a failure to take into account the wider campaign. Our client acknowledges that the confusion could have arisen because the complainant was less familiar with the Jamaican Patois language. We do not, however, consider that there are any grounds for the Advertisement to be held to cause "serious or widespread offence", especially when taking into account the "prevailing community standards".

16. Accordingly, we do not consider that Rule 5 or Principle 1 have been breached.

#### Code for People in Advertising

17. Basic Principle 3 and Basic Principle 4 state:

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.

4. Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

18. As explained above, the use of Jamaican Patois in relation to a Jamaican product is not culturally insensitive, a stereotype or a negative portal of national origin. It is an attempt to reflect the rich culture and local language of the product's country of origin.

19. Lion considers that its use of Jamaican Patois for a Jamaican product is similar to using the French language in the event that Lion was advertising a French product. This is a common marketing technique, and it is not considered offensive.

20. Accordingly, we consider that neither Basic Principle 3 and Basic Principle 4 have been breached because the Advertisement does not result in any form of offence, and certainly not any serious or widespread offence, hostility, contempt, abuse or ridicule, which is a high threshold.

#### Summary

21. In light of the above, we ask that in respect of Code of Ethics Rules 5, Code for Advertising and Promotion of Alcohol – Principle 1, Code for People in Advertising - Basic Principle 3 and Basic Principle 4, the Complaints Board determines that the Complaint is not upheld.

22. Our client would welcome the opportunity to respond to any further comments or queries that you may have.

#### RESPONSE FROM MEDIA, QMS NZ

Contact person for advertising complaints	Yvette Johnson Marketing Manager QMS NZ
Name and contact at creative agency	Marcelle Baker Group Business Director <a href="mailto:marcelle.baker@specialgroup.co.nz">marcelle.baker@specialgroup.co.nz</a>

Name and contact at media agency	Andrea Long Business Director <a href="mailto:andrea.long@zenithmedia.co.nz">andrea.long@zenithmedia.co.nz</a>
A basic, neutral description of the advertisement	Advertisement displayed on digital billboard on Parnell Road shows 3 people having fun and laughing in the streets of Jamaica. Two people are on a bike and the third person is kicking a soccer ball.  The words "Wi bizzy chillin" is displayed on the left-hand side and an image of the product, a Coruba bottle and the brand slogan "A taste of Jamaica" is shown on the right-hand side.
Date advertisement began	Advertisement ran from the 5 – 18 Feb 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Digital Billboard
Is the advertisement still accessible – where and until when?	Advertisement will be live again from 5 – 18 March 2018
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?	Core Target: AP 25-39  Broad Target: AP 18+
Clear substantiation on claims that are challenged by the complainant.	The product Coruba is advertised as "A Taste of Jamaica", the creative for this advertisement shows a photo of people smiling and laughing on the streets of Jamaica. The phonetically written text, "Wi bizzy chillin" evokes the laid-back Jamaican lifestyle to support the image. It also sits within the context of informal text speech and fun rather than grammatical correctness.  The text is not intended to offend but to evoke the theme and provide authenticity.

**APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.