

COMPLAINT NUMBER	18/097
COMPLAINANT	M Botha
ADVERTISER	Antares Restaurant Group Ltd
ADVERTISEMENT	Burger King, Television
DATE OF MEETING	8 May 2018
OUTCOME	Not Upheld

SUMMARY

The Burger King television advertisement for the 'Tastes of the World' campaign shows French, Korean and South African speakers describing their respective burgers. The South African segment has subtitles which say "Up to NZ? Grab the mighty South African burger from BK. BBQ sauce and two flame-grilled patties. Mean aye?"

The Complainant said the translation of the phrase "The mighty South African burger" to "Die moerse Suid Afrikaanse burger" was incorrect and said the word moerse was offensive to Afrikaans speaking New Zealanders as the translation was not mighty, but an offensive swear word.

The Advertiser said the word was hyperbolic and used to explain big or large. It quoted the definition from the Urban dictionary which listed moerse as a slang term meaning really big or numerous. The Advertiser provided two examples of the use of the word in the public domain as part of everyday news articles in South Africa.

The Complaints Board said the examples of news articles which used the word in headlines supported the view that it was acceptable for it to be used in the public domain.

The Complaints Board concluded the word moerse in the advertisement was used in the context of hyperbolic slang 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.

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. This required the Complaints Board to consider whether 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 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 the translation of the phrase “The Mighty South African burger” to “Die moerse Suid Afrikaanse burger” was incorrect and said moerse was offensive to Afrikaan speaking New Zealanders as the translation was not mighty, but an offensive swear word.

The Complainant was asked for further comment on the Urban Dictionary definition of the word moerse being a slang term for really big or numerous. The Complainant reiterated it was an incorrect translation of the word mighty and that moerse would never be approved for publication in South Africa.

The Advertiser’s Response

The Advertiser said the word was hyperbolic and used to explain big or large. It quoted the definition from the Urban dictionary which listed moerse as a slang term meaning really big or numerous. The Advertiser provided two examples of the use of the word in the public domain as part of everyday news articles.

The Media’s Response

The Commercial Approvals Bureau said the advertisement was unlikely to generate serious or widespread offense. It said the majority of Afrikaans speakers would understand the word moerse in the context of the advertisement to be a slang term meaning bloody big rather than the more explicit interpretation of the Complainant.

The Complaint Board Discussion

The Complaints Board began by discussing the likely consumer take-out of the advertisement and agreed the Advertiser was providing an international flavour into their burgers with the South African version being a called a mighty burger with two meat patties.

The Complaints Board considered the definition of moerse as described in the Urban Dictionary as being a slang term meaning really big or numerous and acknowledged this differed from the Complainant’s definition of the word.

The Complaints Board noted the Advertiser had provided examples of two news articles which used moerse in their headlines to describe a huge whale and an extreme hail storm. The Complaints Board said this evidence supported the view that it was acceptable for the word to be used in the general public domain.

The Complaints Board acknowledged the word was offensive to the Complainant, but said this was not supported by the commonly held interpretation of the word in the information provided to it. The Board said given that most consumers would take the subtitled interpretation at face value and while some Afrikaans speaking consumers may be offended, the advertisement was unlikely to cause serious or widespread offence.

The Complaints Board concluded the word moerse in the advertisement was used in the context of hyperbolic slang and did not reach the threshold to offend against the prevailing community standards or cause serious or widespread offence. It also 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 the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The Burger King television advertisement for the 'Tastes of the World' campaign shows French, Korean and South African speakers describing their respective burgers. The South African segment has subtitles which say "Up to NZ? Grab the mighty South African burger from BK. BBQ sauce and two flame-grilled patties. Mean aye?"

COMPLAINT FROM M BOTHA

As an Afrikaans speaking New Zealander, I find it offensive that a swear word is used to advertise the new burger from Burger King. The decision to translate The Mighty South African burger to "die moerse Suid-Afrikaanse burger" is incorrect and very disappointing. The word "moerse" is a swear word and on the same "level" as the swear word "shit". You would not approve the use of shit in prime time advertising so why is it OK to use the word "moerse". The correct translation is "Die Magtige Suid-Afrikaanse Burger". I am also trying to raise my children as bilingual English/Afrikaans speakers and having to explain to them why the man on the TV is using such a bad word is very frustrating. I don't want the ad removed, ideally I would like it changed to the correct version. It was so exciting to hear Afrikaans on TV, but then just really disappointed in how Afrikaners are portrayed.

FURTHER RESPONSE FROM COMPLAINANT FOLLOWING THE SECRETARIAT ASKING FOR COMMENT ON THE WORD MOERSE MEANING BIG

Yes, the word "moerse" does mean big/huge, but as your attached definition states it is a slang term and if you ask any Afrikaans speaker, it is a swear word. There is no English equivalent to translate "moerse" into English that will fully describe the meaning behind the word, but if I had to explain it, it will be "f*cken huge".

The point I tried to make was that the word "moerse" will never be approved for advertising in South Africa, so why is it OK to use in New Zealand where so many expat South Africans live?

Please also keep in mind that the translation is not only offensive, but also incorrect. "Mighty" does refer to size, but as the definition below states it relates more to the power associated with being big. "Moerse" has nothing to do with power. I have also included the correct translation for "mighty" which is the word "magtige". It was completely unnecessary to use the offensive term "moerse" in this case. One will not translate "The Mighty All Blacks" to "Die Moerse All Blacks". Why not? Because it is offensive, and ultimately unnecessary and incorrect.

CODE OF ETHICS

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

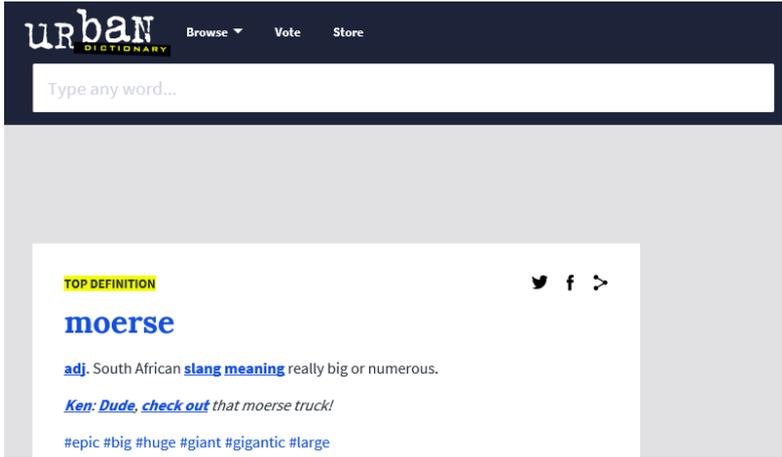
Rule 4 Decency: Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

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, ANTARES RESTAURANT GROUP LTD

Contact person for advertising complaints	James Woodbridge / Jake Shand
Name and contact at creative agency	James Cummins Senior Business Director
Name and contact at media agency	Paul Hamilton Client Services Director
A basic, neutral description of the advertisement	Video content to promote a limited time offer (LTO). Offer comprises 4 burgers under the title "Tastes of the World"
Date advertisement began	20 March. Ended 24 April
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	As the complaint relates to an audio script, the relevant media are TV & Youtube.
Is the advertisement still accessible – where and until when?	No.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	Only relates to audio
Who is the product / brand target audience?	All People 18-49 year old.
Clear substantiation on claims that are challenged by the complainant.	<p>The word "moerse" is used as a hyperbole to explain big or large. Our South African translator based in SA has confirmed this.</p> <p>We reference these 2 South African newspaper articles by way of explanation. The first refers to a large whale and the second refers to monstrous hail storm. Both are examples of the use of the word moerse in the public domain as part of everyday newspaper articles.</p> <p>https://www.dailyvoice.co.za/news/moerse-whale-carted-</p>

	<p>from-strand-12728569</p> <p>http://ewn.co.za/2016/10/21/Bloemfontein-hit-by-a-major-hailstorm</p> <p>The complainant's assertion that the word moerse is the same as "shit" is incorrect given the references above where the word pertains to size.</p> <p>A simple online search reinforces the point.</p>  <p>The screenshot shows the Urban Dictionary interface. At the top, there's a search bar with the text 'Type any word...'. Below the search bar, the word 'moerse' is highlighted in blue. To the right of the word are social media icons for Twitter, Facebook, and a share icon. Below the word, the definition is given as 'adj. South African slang meaning really big or numerous.' There are also some example sentences and hashtags like '#epic #big #huge #giant #gigantic #large'.</p>
<p>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.</p>	
<p>For Broadcast advertisements:</p>	
<p>A copy of the script</p>	<p>SOUTH AFRICAN 30" & 15"</p> <p>Howzit New Zealand! Burger King now has the new Mighty South African Burger all the way from Capetown!</p> <p>Hoezit Nieu-Seeland! Burger King spog nou met die nuwe Moerse Suid-Afrikaanse Burger al die pad van Kaapstad af!</p> <p>Try the Stacker with smokey BBQ Sauce and two flame-grilled patties.</p> <p>Probeer die Stacker met 'n lekker rokerige braisous</p>

	<p>en twee vlamgebraaide frikadelle.</p> <p>Enjoy the tastes of the world at Burger King with our new Mighty South African Stacker Burger.</p> <p>Burger King. Burgers the way they're meant to be.</p>
<p>A copy of the media schedule and spot list</p> <p>(Please remove all financial information)</p>	Please refer to attachment.
CAB key number and rating	<p>15" - BUR/015/01114</p> <p>30" - BUR/030/01111</p>
For Digital advertisements:	
What platform tools have you used to target your audience?	Please refer to attachment.

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

Re: Antares Restaurant Group Ltd Television – Complaint 18/097 (Key number: BUR/030/01111; Classification: GXC)

Thanks for the opportunity to comment on the complaint that the above Burger King commercial is offensive to Afrikaans speakers.

I note first that there has been just one complaint about the use of the Afrikaans slang word “moerse” so, irrespective of the translation, it is unlikely that this advertisement is causing serious or widespread offence amongst the more than 27,000 New Zealanders who speak Afrikaans (source: 2013 Census).

It is our understanding that the majority of Afrikaans speakers will understand the word “moerse”, as it has been used in the context of this advertisement, to mean something similar to the English “damn big” or “bloody big”. The slang term would never be used in a polite or formal setting but isn’t as harsh or rude as saying, for example, “fuckin’ big”.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.