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| COMPLAINT NUMBER | 18/320 |
| COMPLAINANT | P Hibbs & 3 Others |
| ADVERTISER | Maori Language Commission |
| ADVERTISEMENT | Maori Language Commission, Television |
| DATE OF MEETING | 24 October 2018 |
| OUTCOME | Not Upheld |

SUMMARY

The Complainants said they found the advertisement offensive because of the use of the phrase “English sucks”. One of the complainants said the Māori language did not need to be promoted by insulting English. Another complainant said they found the advertisement degrading and racist.

The Advertiser said the intention of the advertisement was to break down any sense of excessive ‘reverence’ about te reo Māori and the idea that it should be spoken only by fully fluent experts who are themselves part of the Māori community. The Advertiser said the joke in the advertisement is based on the idea that although it is Māori Language Week one actor got confused and started promoting the English language.

The Complaints Board agreed that while some viewers may have taken offence at the use of the phrase “English sucks” it was a throwaway line, used in jest, and it was acceptable in the overall context of the advertisement.

The Complaints Board ruled the advertisement did not meet the threshold required to cause serious or widespread offence and had been prepared with the required standard of social responsibility.

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, 5 and 11 of the Code of Ethics and Basic Principle 3 of the Code for People in Advertising.

Basic Principle 4 required the Complaints Board to consider whether or not the advertisement had been prepared with a due sense of social responsibility.

Rule 4 required the Complaints Board consider whether the advertisements contained anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5 required the Complaints Board to consider whether the advertisement was likely to cause serious or widespread offence.

Rule 11 says that expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

Basic Principle 3 of the Code for People in Advertising required the Complaints Board to consider whether the advertisements 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 acknowledges that humour and satire are natural and accepted features of the relationship between individuals and groups within the community and 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 Complaints

The Complainants said they found the advertisement offensive because of the use of the phrase “English sucks”. One of the complainants said the Māori language did not need to be promoted by insulting English. A complainant said they found the advertisement degrading and racist.

The Advertiser’s Response

The Advertiser said the intention of the advertisement was to break down any sense of excessive ‘reverence’ about te reo Māori and the idea that it should be spoken only by fully fluent experts who are themselves part of the Māori community.

The Advertiser said the comedy trio used for the advertisements worked with the basic material and intent provided to them drawing on their backgrounds as Filipino, Iranian/Pakistani, and Māori. The advertisements are intentionally over-the-top and presenting exaggerated scenarios.

The Advertiser said the joke in the advertisement is based on the idea that although it is Māori Language Week one actor got confused and started promoting the English language.

The Media’s Response

The Media, the Commercial Approvals Bureau, said it cannot see any reason to uphold this complaint as the comment “is made in a totally light-hearted manner. There was certainly no intention to offend any viewer.”

The Complaints Board Discussion

The Complaints Board said the advertisement before it fell into the category of advocacy advertising and noted the requirements of Rule 11 of the Code of Ethics. The Complaints Board noted Rule 11 allowed for expression of opinion in advocacy advertising, provided that the expression of opinion is robust and clearly distinguishable from fact.

Consumer Takeout

The Complaints Board considered the likely consumer takeout of the advertisement for Te Wiki o te Reo Māori - Māori Language Week. The Complaints Board agreed the advertisement was encouraging viewers to speak Māori, to give it a go, and not to be put off by the risk of making a mistake.

Was the advertisement offensive?

The Complaints Board discussed whether viewers would have understood the joke in the advertisement, and that one of the comedians used the phrase “English sucks” after he realised he had forgotten he was supposed to be promoting Māori, not English.

The Complaints Board acknowledged the use of humour in the advertisement as a means of getting the message across and said that even if some viewers didn’t understand the joke they would still have realised the advertisement was meant to be funny.

The Complaints Board acknowledged that some viewers had taken offence at the use of the phrase “English sucks” and said it was not necessary to denigrate English in order to promote Māori.

The Complaints Board said that “if the boot was on the other foot”, and another language was being denigrated, for example if the comedian had said “Chinese sucks”, this may well have caused more serious offence. In the New Zealand context however, where English is the dominant language, it doesn’t need protecting and therefore the Complaints Board agreed this level of teasing was acceptable.

The Complaints Board noted that “sucks”, which has the colloquial meaning “bad” or “unpleasant”, is not included on the Broadcasting Standards Authority’s 2018 list of the “31 Most Unacceptable Words in Broadcasting”.

Taking all of the above into consideration the Complaints Board agreed that while some viewers may have taken offence at the use of the phrase “English sucks” it was a throwaway line, used in jest, and it was acceptable in the overall context of the advertisement. The Complaints Board said given this ruling it was not necessary to rely on the leniency afforded by Rule 11, Advocacy.

The Complaints Board ruled the advertisement did not meet the threshold required to cause serious or widespread offence and had been prepared with the required standard of social responsibility.

The Complaints Board ruled the advertisement was not in breach of Basic Principle 4, Rules 4, 5 and 11 of the Code of Ethics and Basic Principles 3 and 6 of the Code for People in Advertising.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The Maori Language Commission television advertisement for Te Wiki o te Reo Māori - Māori Language Week – shows three men talking to the camera about Te Wiki o te Reo Māori, using both English and Māori. There is reggae music playing in the background. Part-way through the advertisement one of the men gets confused and says: “Speaking English better than you, speaking English really fluently”. When one of the others interrupts and says: “But this is actually about te reo Māori” he is embarrassed about making a mistake and reacts by saying “English sucks”. They all laugh.

COMPLAINT FROM P HIBBS

One ad relating to Maori Language week, the last line of three Tane advertising Maori Language is spoilt when they state “English sucks”...one does not need promotion at the expense or insult of another...we should be better than that now ..remembering that there is a vast majority of us are descendants of both Maori and European

COMPLAINT FROM A BUDD

I feel the ad was offensive, degrading and racist when it said "English sucks" and the three guys laughed like it was a big joke

COMPLAINT FROM E JEFFERY

Probably little need for the “English sucks” comment. Unless “Māori sucks” would also be acceptable. “Chinese sucks”?

COMPLAINT FROM L MARTIN

Not sure I have come to right place but, during my `on demand programme, there is an advert promoting MAORI LANGUAGE WEEK. There is no problem with this apart from the fact there is an Asian, pakeha? & perhaps a middle eastern guy singing & dancing in maori...The end part is ,, ENGLISH SUCKS. I find this very offensive, considering we are supposed to be one country etc & my grandchildren are part Maori.

CODES OF PRACTICE

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).

Rule 11: Advocacy Advertising - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable

from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

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,

Thank you for your invitation to comment on complaints from P Hibbs, L Martin, E Jeffery and A Budd concerning an advertisement played during te Wiki o te Reo Māori 2018 (Māori Language Week 2018). I am replying on behalf of Te Taura Whiri i te Reo Māori, the Māori Language Commission. Among our statutory functions and roles is the requirement to promote the Māori language—

- (i) as a living language; and
- (ii) as an ordinary means of communication

[Māori Language Act 2016 s40 (1) (b)]

The complaints

The concerns raised are as follows (minor typographical changes for clarity):

- P. Hibbs: One ad relating to Maori Language week, the last line of three Tāne advertising Maori Language is spoilt when they state “English sucks”...one does not need promotion at the expense or insult of another...we should be better than that now ...remembering that there is a vast majority of us are descendants of both Maori and European
- A. Budd: I feel the ad was offensive, degrading and racist when it said "English sucks" and the three guys laughed like it was a big joke.
- L. Martin: Not sure I have come to right place but, during my `on demand programme, there is an advert promoting MAORI LANGUAGE WEEK. There is no problem with this apart from the fact there is an Asian, Pākehā? And perhaps a Middle Eastern guy singing & dancing in Māori...The end part is: ENGLISH SUCKS.
- E. Jeffery: Probably little need for the “English sucks” comment. Unless “Māori sucks” would also be acceptable. “Chinese sucks”?

Relevant code sections

We note your suggestion that the relevant code sections are:

Code of Ethics - Basic Principle 4, Rule 11, Rule 4, Rule 5; and Code for People in Advertising - Basic Principle 3.

For reference these are:

Code of Ethics - Basic Principle 4

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

Rules 4, 5 & 11

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).

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).

11. Advocacy Advertising – Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

Code for People in Advertising – Basic Principle 3

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.

We respectfully suggest that Basic Principle 6 of this Code is also relevant:

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

Comment

The advertisement complained of is one of three commissioned to support the message 'Kia Kaha te Reo Māori' for Māori Language Week 2018. It is the only one of the three including the two words complained of.

A part of the messaging of Māori language Week 2018 was that Māori language is for everybody and people should use what they know.

There is a widespread caution among people who do not speak Māori about mispronunciation, giving offence, being misunderstood or being not understood. This delays acquisition and the normalised use of te reo Māori.

The intention of the advertisements was to break down any sense of excessive 'reverence' about te reo Māori and the idea that it should be spoken only by fully fluent experts who are themselves part of the Māori community.

The comedy trio used for the ads worked with the basic material and intent provided to them drawing on their backgrounds as Filipino, Iranian/Pakistani, and Māori. The advertisements are intentionally over-the-top and presenting exaggerated scenarios. In one it is revealed that the two non-Māori, about whose pronunciation the Māori producer is despairing, are in fact able to speak Māori fluently, as does the camera operator.

In the version complained of the participants congratulate themselves on giving the key bilingual message of 'Ahakoa iti, ākona, kōrerotia – Learn a Little, use a little'.

They celebrate in dance and song (in English, not Māori as suggested by complainant Lesley Martin and one member begins celebrating their English skills. He's then pulled up and reminded that this is an advertisement for Māori Language Week. Suddenly downcast, his demeanour changes and he says 'English sucks', reversing his position of a second ago.

All three laugh at this sudden change. There is nothing to suggest that the actor who says this believes it, or is inviting other to do so.

It is a joke, based on the idea that although it is Māori Language Week one actor got confused and started promoting the English language. His sudden and extreme change of view reinforces this.

The Māori Language Commission has received no negative feedback about this advertisement which was widely shared on social media channels and on TVNZ and Māori television along with the others in the series.

The two words complained of were carefully considered because we are aware that language issues can be sensitive. Our conclusion was that while there was a risk of misunderstanding, such misunderstanding would be rare and outweighed by the overall impact of the advertisements. In particular, we considered that in terms of basic principle 6 of the Code for People in Advertising, it would not be at all "likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule".

With regard to the other potentially relevant principles we see nothing that infringes 4. (Decency) or that in terms of 5. (Offensiveness) "in the light of generally prevailing community standards [be] likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

Under the Code for People in Advertising – basic principle 3 we note that language is not one of the prohibited grounds of discrimination but that it may be closely associated with or used as a proxy for race; colour; ethnic or national origin; or cultural belief. We do not believe this is the case here in regard to the words complained of in context. Even were it to be accepted that English language was closely identified with a race; colour; ethnic or national origin; or cultural belief it is clear that the words complained of would not be "reasonably likely to cause serious or widespread offence".

Under the Code for People in Advertising basic principle 11 (Advocacy) we see the expression of the two words as a clearly expressed 'opinion' in a humorous context in which the opposite opinion has just been put. There is no likelihood at all that a viewer would consider the statement to be an expression of factual information.

We also note that there is no possibility that the willingness of people to use the English language in New Zealand or their enjoyment of this taonga has been lessened in any way by the use of these words; we think the humour and message of the advertisement has the potential to help encourage the confident use of te reo Māori, even by those who know only a little. This increases the status of te reo Māori and encourages young people to use it and continue learning.

Conclusion

As requested we have not made direct contact with any complainants. We would like them to be assured that the Māori Language Commission is working towards a society in which everyone can have the opportunity to speak Māori, English and other languages equally well. We use the English language in our promotion of the Māori language. We regularly cite the superior English language performance of students in Māori language schools as one of the benefits of te reo Māori.

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

KEY: MLW 030 218 RATING: G

Several complainants did not like the use of the phrase 'English sucks' in this commercial.

Three well know English speaking comedians are seen promoting Maori Language Week. The entire tone of the commercial is bouncy and high spirited as they encourage people to gradually learn a little of both the correct pronunciation and meaning of Te Reo. At the close one comic, having learnt a little Te Reo, makes the throw away line 'English sucks'. It is made in a totally light hearted manner. There was certainly no intention to offend any viewer.

CAB sees no reason to uphold this complaint.

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.