

<b>COMPLAINT NUMBER</b>	19/037
<b>COMPLAINANT</b>	A Mills
<b>ADVERTISER</b>	2 Cheap Cars
<b>ADVERTISEMENT</b>	2 Cheap Cars Digital Marketing
<b>DATE OF MEETING</b>	9 April 2019
<b>OUTCOME</b>	Upheld - advertisement removed

### **SUMMARY**

The Stuff website advertisement for 2 Cheap Cars was headed “Massive Jap import Sale”. This was followed by the text “2 Cheap Cars is having a Massive Summer sale! Get free jandals!” To the left of this text was a photo of a man holding a jandal.

The Complainant was concerned the term “Jap” is considered by many to be an offensive term and it is an example of casual racism.

No response was provided by the Advertiser.

A majority of the Complaints Board said the use of the word “Jap” in the phrase “Massive Jap import Sale” was likely to cause serious offence. This is because the term “Jap”, which was introduced into the New Zealand vernacular after World War Two, is a derogatory term for “Japanese”. A majority of the Complaints Board said the use of the word “Jap”, particularly in written form, is dated. It is an example of casual racism, and it is not socially responsible.

The Complaints Board ruled the complaint was Upheld.

### **Advertisement removed.**

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 complaint with reference to Principle 1 and Rule 1(c) of the Advertising Standards Code.

Principle 1 required the Board to consider whether the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) required the Board to consider whether the advertisement contained anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

**The Complaints Board ruled the complaint was Upheld.**

**The Complaint**

The Complainant was concerned the term “Jap” is considered by many to be an offensive term and it is an example of casual racism.

**The Advertiser’s response**

No response was provided by the Advertiser.

**The Media’s response**

The Media said the word “Jap” is short for Japanese and the advertisement was promoting a Japanese car sale. The Media said they did not pick up that the headline could be viewed as offensive and no offence was intended.

**Complaints Board Discussion***Consumer Takeout*

The Complaints Board said the consumer takeout of the advertisement was 2 Cheap Cars is having a summer sale of Japanese import cars, and you’ll get free jandals.

*Does the advertisement contain anything that is likely to cause harm, or serious or widespread offence?*

A majority of the Complaints Board said the use of the word “Jap” in the phrase “Massive Jap import Sale” was likely to cause serious offence. This is because the term “Jap”, which was introduced into the New Zealand vernacular after World War Two, is a derogatory term for “Japanese”. A majority of the Complaints Board said the use of the word “Jap”, particularly in written form, is dated and an example of casual racism.

The majority referred to the Broadcasting Standards Authority report “Language that May Offend in Broadcasting”, which was published in June 2018. Racial/cultural insults included in the 2018 survey ranked in the 12 most offensive words, suggesting the public are becoming more concerned about the use of derogatory language directed at a person’s race or culture, or sexual orientation.

A minority of the Complaints Board disagreed. The minority said the term “Jap import” is commonly used in the second-hand car industry and while it isn’t ideal, no offence is intended by its use. The minority said the use of the word “Jap” in the phrase “Massive Jap import Sale” did not reach the threshold to cause serious or widespread offence.

*Is the advertisement socially responsible?*

A majority of the Complaints Board said the advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

The Complaints Board ruled the complaint was Upheld.

**DESCRIPTION OF ADVERTISEMENT**

The Stuff website advertisement for 2 Cheap Cars was headed “Massive Jap import Sale”. This was followed by the text “2 Cheap Cars is having a Massive Summer sale! Get free jandals!” To the left of this text was a photo of a man holding a jandal.

**COMPLAINT FROM A MILLS**

Seen through an ad on stuff.co.nz - headline 'massive Jap sale', assumed to be in reference to Japanese imported cars. Jap is considered by many to be an offensive term and is simply not appropriate. An example of casual racism in NZ mainstream media.

## CODES OF PRACTICE

### ADVERTISING STANDARDS CODE

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c): Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

### RESPONSE FROM ADVERTISER

No response was received by the Advertiser.

### RESPONSE FROM MEDIA, STUFF

1. The native advertisement in question was supplied to us in January.
2. The process followed by [Stuff.co.nz](http://Stuff.co.nz) was to check and upload the material using common sense practice when reviewing the supplied advertisement.
3. The advertisement needed to adhere to specifications in layout and word count for this native execution. Given the advertisement had to fit on a mobile screen, the word Jap is short for Japanese and was promoting a Japanese car sale, our operations team uploaded the ad as it adhered to our specifications. They did not pick up that the headline could be viewed as offensive. The advertisement was not intended to offend our readers.
4. The native ad ran for 1 day on 25 January and has not run again.
5. Our general process if we receive a direct complaint, is to take this to the advertising customer in question and request that they amend or remove the advertisement. To our knowledge we did not receive any complaints directly regarding this advertisement.

### 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.