

BEFORE THE BROADCASTING STANDARDS AUTHORITY

Decision No: 37/93

Dated the 5th day of April 1993

IN THE MATTER of the Broadcasting Act 1989

AND

IN THE MATTER of a complaint by

GROUP OPPOSED TO
ADVERTISING OF LIQUOR
of Hamilton

Broadcaster
TV3 NETWORK SERVICES
LIMITED

I.W. Gallaway Chairperson
J.R. Morris
R.A. Barraclough
L.M. Dawson

DECISION

Introduction

In referring to the 1919 nationwide vote at which prohibition was nearly passed, the word "wowsers" was used in an advertisement for Waikato Draught beer broadcast by TV3 at 11.20pm on 10 November 1992.

The Secretary of Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to TV3 Network Services Ltd that the word "wowsers" had pejorative connotations and had been used as a "put-down" of those who had voted for prohibition. Moreover, the returning troops were portrayed as heroes by outvoting the "wowsers" and were thus promoted in a manner which breached the requirement that advertisements should treat all people as equal. Finally, the advertisement suggested that the troops received "a cold beer" as a reward for outvoting the prohibitionists.

Denying that the word "wowsers" was derogatory and arguing that it had been used correctly in a historical sense, TV3 declined to uphold the complaint. Dissatisfied with TV3's decision, GOAL referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.



Decision

The members of the Authority have viewed the advertisement complained about and have read the correspondence (summarised in the Appendix). As is its practice, the Authority has determined the hearing without a formal complaint.

GOAL complained to TV3 about an advertisement for Waikato Draught beer. The advertisement referred to the 1919 referendum when, initially, a majority voted for prohibition. However, as the advertisement noted, when the votes of the troops returning from overseas were counted the result was overturned. The advertisement described the supporters of prohibition as "prohibitionists and wowsers". Maintaining that the word "wowser" contained pejorative overtones, GOAL argued that the advertisement was a "put-down" and would offend the significant number of New Zealanders (370,000) who voted for prohibition in the 1987 Triennial Liquor Poll. Consequently, it breached standard 4 of the Advertising Code of Ethics and standard 1 of the Code for People in Advertising which state:

4. **Decency** - Advertisements shall not contain statements or visual presentations which clearly offend against prevailing standards of decency or cause undue offence to the community or to a significant section of the community.
1. Advertising should not portray individuals or groups within society in a manner which is likely to expose them to violence, exploitation, hatred, contempt, abuse, denigration or ridicule from other members of the community.

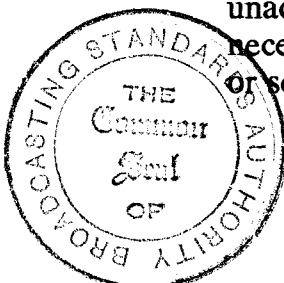
Moreover, GOAL continued, the advertisement portrayed the returning troops as heroes when their votes defeated the internal majority which supported prohibition. It thus breached standard 6 of the Code of Ethics which refers to equality and provides:

6. **Portrayal of People** - Advertisements must not exploit people's gender, sexual preference, age, cultural, religious or political beliefs, educational or occupational status.

Advertisements should promote the image of all people as persons of equal value.

Finally, GOAL argued, as the troops were portrayed as being rewarded with a "cold beer" for their votes, the advertisement breached standard 6 of the Code for Advertising Alcoholic Beverages as amended which reads in part:

- 6 The depiction of liquor as part of a celebration shall not imply that the beverage is the cause of success or achievement. Furthermore, it is unacceptable to depict the consumption or presence of liquor as a necessary component of or reward for personal, business, social, sporting or sexual success.



When declining to uphold the complaint, TV3 referred to the Australian definition of "wowser" - one who is publicly censorious of others and the pleasures they seek - and maintained that, in the context of an advertisement about the situation in 1919, it was accurate. It denied that the soldiers were portrayed as heroes, arguing that companionship and camaraderie were the themes of the advertisement.

In assessing the complaint, the Authority accepted that the word "wowser", in 1993, probably has derogatory overtones. However, despite agreeing with GOAL on that point, the Authority decided that an assessment of the complaint required the consideration of two other relevant matters before determining whether the standards had been breached.

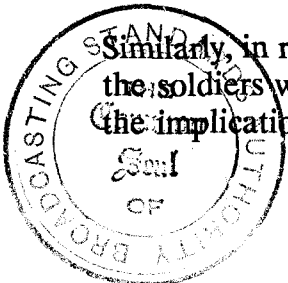
First, the advertisement did not refer just to "wowsers" in 1919 but to "prohibitionists and wowsers". The commercial thus recognised that the advocates for prohibition included those whose beliefs in the cause ranged from being sympathetic to those who might be rabidly convinced of the cause. Whereas the term prohibitionists could apply to all the voters who supported the introduction of prohibition, those who could be described as wowsers would comprise an unknown fraction of them. Similarly, GOAL referred to the 370,000 voters who supported prohibition at the 1987 triennial liquor poll and who, in the Authority's opinion, would consist of prohibitionists of various hues. Although the term "wowser" has derogatory overtones and although an unknown number of the 370,000 voters might be wowsers, the Authority did not accept that the word "prohibitionist" in itself contained any derogatory connotations.

The historical context was the second aspect of the advertisement to which, the Authority decided, the complainant had given inadequate consideration. The prohibition movement had considerable international support around the turn of the century and, in New Zealand, the 1919 referendum was the high point. The public debate about moral issues which are important at any time inevitably has fervent supporters on both sides. Undoubtedly some of the supporters of prohibition in the early years of the century were correctly described as "wowsers" - zealous prohibitionists - and thus the use of the term was accurate and could not be considered to be a cause of offence.

For both of these reasons, the Authority decided that the use of the word "wowser" in the Waikato Draught beer advertisement did not breach standard 4 of the Advertising Code of Ethics or standard 1 of the Code for the Portrayal of People in Advertising.

As another aspect of the complaint, GOAL maintained that the returning troops were portrayed as heroes and were treated as being somehow superior, especially in their opinion about prohibition. Again the Authority referred to the historical context portrayed in the advertisement. It was correct for the advertisement to report that the votes of the returning troops defeated the internal majority for prohibition but, the Authority concluded, it did not carry the implication that the troops were heroes for doing so.

Similarly, in regard to the aspect of the complaint that the advertisement suggested that the soldiers were to be rewarded with a cold beer, the Authority was unable to accept the implication advanced by GOAL. Indeed, the Authority assumed that a "cold beer"



was neither sufficient motivation for service overseas nor sufficient compensation for the troops on their return.

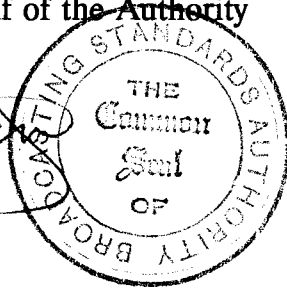
In view of the content and context of the advertisement, the Authority considered that it recorded part of New Zealand's history and that it did not advertise beer in contravention of the standards.

For the reasons set forth above, the Authority declines to uphold the complaint.

Signed for and on behalf of the Authority



Iain Gallaway
Chairperson



5 April 1993

Appendix

GOAL's Complaint to TV3 Network Services Limited

In a letter dated 11 November 1992, the Secretary of the Group Opposed to Advertising of Liquor (GOAL), Mr Cliff Turner, complained to TV3 Network Services Ltd about an advertisement for Waikato Draught beer broadcast by TV3 at 11.20pm on 10 November.

The advertisement had used the word "wowser" which, Mr Turner stated, was always used in a pejorative way as a "put-down". Consequently, it breached standard 4 of the Advertising Code of Ethics which prohibits advertisements which caused undue offence to a significant section of the community. The 370,000 New Zealanders who voted for prohibition in the 1987 Triennial Election Poll, he continued, were a significant section of the community and many would have taken offence at the use of the word "wowser".

The advertisement, he said, had portrayed the returning troops as heroes as their votes had narrowly defeated the internal majority for prohibition. That portrayal breached standard 6 of the same Code which required advertisements to portray all people as equal.

Further, Mr Turner argued, as the advertisement's intention was to expose "wowsers" to ridicule, it breached standard 1 of the Code for People in Advertising which prohibits the portrayal of people or groups in a manner which is likely to expose them to contempt or ridicule.

Finally, the advertisement concluded by suggesting that the troops were to be rewarded with a cold beer for a job well done and thus breached standard 6 of the Code Advertising Alcoholic Beverages.

TV3's Response to the Formal Complaint

TV3 advised GOAL of its Complaints Committee's decision in a letter dated 25 January 1993.

Referring to "Australian Words and Their Origins" based on the Australian National Dictionary and published by the University of Melbourne, TV3 said the word "wowser" meant one who was publicly censorious of others and the pleasures they seek. It continued:

The use of the word would certainly appear to have been used in its historical context. The context in which it was used was not derogatory in any purposeful manner. It was historically correct.

TV3 expressed the opinion that many of the 370,000 who voted for prohibition in



1987 could not be described as "wowsers" and the reference in the advertisement to the returning troops related to companionship and camaraderie rather than reward. The complaint was not upheld.

GOAL's Complaint to the Broadcasting Standards Authority

Dissatisfied with TV3's response, in a letter dated 2 February 1993 Mr Turner, on GOAL's behalf, referred the complaint to the Broadcasting Standards Authority under s.8(a) of the Broadcasting Act 1989.

Mr Turner argued that the definition contained in an Australian Dictionary was not necessarily applicable in New Zealand. He did not accept that the word "wowser" was not derogatory. Teetotaller was an equivalent word which could have been used and which did not contain derogatory overtones. He concluded:

If the advertiser had genuinely wanted to avoid being offensive reference could have been made simply to "prohibitionists" instead of "wowsers" and prohibitionists".

It was only in the last two or three seconds of the advertisement that reference was made to a brand of beer. The whole advertisement could fairly have been described as an attack on the temperance movement.

TV3's Response to the Authority

As is its practice, the Authority sought the broadcaster's response to the complaint. Its letter is dated 4 February 1993 and TV3's reply, 10 February.

Explaining that it had used the reference because it contained the fullest definition, TV3 argued that as Mr Turner was the sole complainant, 370,000 voters apparently had not taken offence at the advertisement. It acknowledged, however, that only one complaint was required for the Authority to make a decision.

GOAL's Final Comment to the Authority

When asked to respond to TV3's reply, in a letter dated 13 February 1993 Mr Turner on GOAL's behalf maintained that TV3 had not addressed the question that the word "wowser" was used as a put down. Moreover, TV3 had failed to address the complaint under standard 6 of the Code of Ethics that the advertisement's tone was against non-drinkers.

TV3, in a response dated 19 February 1993, argued that only Mr Turner seemed to perceive a negative connotation. Moreover, it continued, the advertisement dealt with camaraderie among troops, not rewards.

