

TE RAPUNGA MO TĒTAHI ARA TIKA
SEARCHING FOR A 'RIGHT' DIRECTION

The development of a framework of Māori ethics in advertising

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A thesis submitted for the degree of
Master of Arts
at the University of Otago, Dunedin
New Zealand

March 2010

ABSTRACT

The aim of this thesis is to develop an ethical framework, based on *tikanga Māori*, to guide marketers. The thesis anticipates an increase in marketing activities, namely advertising targeting Māori consumers. To achieve its central aim, the thesis explores three schools of thought, that of marketing, moral philosophy and *tikanga Māori*. To support the literature, a critique of the Advertising Standards Authority of New Zealand and case studies of past decisions will explore the current ethical environment for ethnic minority consumers. Also, an exploration of Māori targeted advertising using case studies from exploring early Māori newspapers to contemporary magazines. These case studies help determine the development of and the current state of Māori advertising in New Zealand. This multidisciplinary research is the first in the area of Māori marketing ethics.

ACKNOWLEDGEMENTS

Ehara taku toa i te toa takitahi, engari he toa takitini.

This thesis not only represents hours spent reading, thinking and sitting in front of a computer monitor, but of hundreds of conversations with family and friends, thousands of words of encouragement from a network of supportive people, and a million looks of understanding as I rubbed my eyes, yawned and lay my head in my hands from exhaustion (or confusion).

My family have been a great support, particularly with the constant phone calls which have provided endless advice, encouragement, and a welcome break from writing. Mum and Dad, I can't thank you enough for everything you have done for me. The greatest thing you did was listen, as I rambled on nonsensically about whatever piece I was struggling to write or read. You always reminded me of my goals and why I was staying up late or slowly chewing my way through German philosophy. Sometimes I would lose track of what I was doing and you (just as you have always done) pointed me back in the right direction. My brother, Jason and my sister, Tracey, you are the greatest role-models a *potiki* like me could ask for. I am in awe of your achievements and supremely proud of everything you have both done. It makes aiming for the stars easy because I know when I get there I will be in good company. Al, while not legally (yet), you are my family and best friend. While my outbursts, tears, rambling and swinging moods have been an unfortunate feature of our household of late, your patience has been unwavering and your shoulder a wonderful comfort. To Christine, Bruce, Em, Len, Nan, and Danda, my

Southland *whānau*, thank you for supporting me and especially Al throughout this process.

To my primary supervisor, Associate Professor Brendan Hokowhitu, I really can't express the amount of gratitude I have for your support and supervision. I would say you deserve a medal for your patience and understanding as I struggled at times to come to grips with the realities of life as an academic. Thank you for all of your advice as a supervisor, mentor and friend.

To Associate Professor Juergen Gnoth, I have learned a lot from you throughout this process and for all of those things, thank you.

To all of the staff at Te Tumu, you have all helped me in so many different ways. Karyn, I owe you a great deal for your advice, the 'calendar of doom' with its deadlines, the food and the laughs. Professor Reilly, Associate Professor Rewi and Professor Tapsell thank you for being my official and unofficial mentors throughout my first year, I am forever grateful. Tangiwai, Whakarongotai, Jim, Paerau, Michelle, Jenny, Craig, Erica, Claire, and Nicola, your words of encouragement have meant a lot to me.

Finally, to all of my friends – you have all made this process bearable. I can't thank any of you enough for the friendship you have provided, for answering the phone when I want to procrastinate and for the online Facebook chats as my thesis was open in another window. Thank you.

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INTRODUCTION: SEARCHING FOR A 'RIGHT' DIRECTION

The overarching objective of this research is to explore an ethical and best practice framework for marketing, specifically advertising (i.e. social or commercial) to Māori consumers. The aim is that the framework will be used by marketers to ensure that all advertising practices and processes surrounding targeting Māori consumers are implemented in a way that takes account of *tikanga* Māori¹ (beliefs, values, ethics), Māori perspectives and will ensure that no harm is inflicted upon Māori. This proposed 'right' direction will keep Māori and those endeavoring to target the Māori market safe.

A report published by Te Puni Kokiri: The Ministry of Māori Development (Coghini 2007:2-6) in New Zealand has projected the Māori population to increase by 29%, from 15% of the population to 17%, by the year 2021. The report also projects that the Māori population compared to that of the majority European population will have a much younger age structure and therefore have a greater built-in momentum for further growth (Coghini 2007:2-6). This young Māori market will become increasingly significant to marketers in the future as they will form a large section of New Zealand society. With a potential increased interest in the Māori

¹ The writing convention employed for this thesis is to italicise Māori words and terms, with the exception of proper nouns. The first time a Māori word or term is introduced, an English definition will be provided in the following text or in brackets immediately after. This is to aid the wider audience of this thesis that may not have an understanding of the Māori language.

market, a rise in Māori forms of media and a market place aggressively competing for the attention of niche markets, it can be projected that marketing activities targeted to Māori will increase. It is therefore important to address the issue of advertising ethics to ensure that these marketing activities are beneficial to all.

To successfully create a framework that aims to protect Māori against harmful and negative advertising, this thesis will explore a range of areas, however it will focus on marketing practices and ethics, by applying a Māori perspective to this topic area. Importantly it will answer questions such as, 'are Māori safe from harmful advertising'? 'is there currently any protection for Māori'? and 'what needs to be done to ensure Māori are not negatively impacted by advertising'? To answer these questions this research will draw from a wide range of literature bases, such as marketing, moral philosophy and Māori theory. The research will also utilise case studies of Māori advertising and use resources made available by institutions such as the Advertising Standards Authority of New Zealand.

The first chapter of this report explores marketing practices. The discussion will begin broadly, exploring the basic principles that underpin marketing and the foundations with which they were built. The focus will then narrow to specialised areas of marketing such as ethnic marketing and advertising practices. This will bring the discussion to areas that are most relevant to advertising to Māori.

The following chapter will then explore Western ethics. Various philosophies, in their many forms, will be introduced and then discussed in relation to marketing and advertising ethics. This chapter will build an understanding of how ethics are considered in advertising, what influences ethics and ultimately the ethical issues that should be considered when advertising to a minority group such as Māori.

The third chapter will explore Māori ethics or as it is commonly known in Māori academic literature, *tikanga*. A Māori worldview and common concepts will be introduced to provide a foundation for understanding Māori ethics. The discussion of a Māori ethical perspective will be drawn from a range of Māori academic sources. This chapter provides the basis for understanding a Māori ethical perspective which will be applied to an advertising context.

The fourth chapter explores the institution responsible for monitoring ethical behavior in advertising in New Zealand. The Advertising Standards Authority of New Zealand is the current monitor of advertising and creates codes of ethics which marketers and businesses must adhere to. A critique of the institution, its codes of ethics and past decisions will be presented. Case studies of past decisions and deliberations that are relevant to Māori and minority groups will be critiqued to determine the Authority's application of the ethics and their rationale when considering issues that relate to minority ethnic consumers. This will aid in

identifying any ethical gaps and issues related to advertising to Māori in New Zealand.

The next chapter presents a history of Māori advertising in New Zealand. This chapter will use print media examples spanning the last 150 years to exemplify the past and current practice of advertising to Māori. The case studies and examples given will also demonstrate the ethical themes and issues present in advertising to Māori. This is an important step to be able to identify any current issues that the proposed framework may be able to resolve and establishes the current advertising trends surrounding Māori as a consumer group.

The final chapter will bring about the creation of an ethical framework to advertise to Māori. The discussion of ethics and the themes of advertising to Māori will be brought together to highlight gaps and issues that need to be addressed should an increase in advertising to Māori occur. This chapter will also present recommendations to the Advertising Standards Authority for amendments to the current practice, administration and creation of its Codes of Ethics. Future directions for research will also be presented. This chapter brings together the many subareas of this thesis to create the framework, just like the many strings of fibre are brought together to weave a *tukutuku* (lattice work) panel.

This research is an initial step into a largely unexplored topic area. Due to the fact the research draws from many different disciplines and the physical limitations of Master's thesis research, there are areas that have been omitted or explored superficially to provide a basic level of understanding. It was important the research focused on its main goal of developing an ethical framework for advertising to Māori. The thesis begins a much needed discussion in an area that is largely under-developed for Māori and could provide unique opportunities for Māori and non-Māori in the future.

CHAPTER ONE: EXPLORING MARKETING

The aim of this chapter is to present marketing ideas, concepts and theories that will contribute to understanding the practice of advertising. The marketing discipline has been dated to the turn of the twentieth century and as such there is an abundance of literature relating to the topic (Jones & Shaw 2002 cited in Hollander, Rassuli, Jones, & Dix 2005:32). It would be naïve to assume that all areas can be covered in this thesis, let alone in this chapter, however it is important to introduce some fundamental marketing ideas to provide an overview and basic level of understanding to further develop the core objective of this thesis. That is, to create an ethical framework for marketing to Māori. Essentially the present chapter will begin broadly and then narrow down to the central focus of advertising and surrounding issues to minorities.

The chapter begins by presenting a brief evolution of marketing thought. It presents an introduction to the origins of general marketing concepts, to sub-areas of marketing such as social marketing, critical marketing theory development and, ethnic marketing. The chapter then introduces the basic concepts of marketing theory beginning with the most basic definition and going on to relevant marketing processes such as market segmentation and market targeting. An introduction to advertising and promotion development and theory will be given to provide a basic understanding of the advertising industry. Following this, ethnic marketing will be

discussed along with the core concepts and theories particular to this school of thought.

MARKETING EVOLUTION

The most widely accepted models of marketing 'ideas' evolution are generalised adaptations based on Robert J. Keith's model from the article "The Marketing Revolution" published in the *Journal of Marketing* in 1960. Keith was Executive Vice President of the Pillsbury Company. This article discusses the revolution the Pillsbury Company experienced through the incorporation of a modern marketing philosophy. He suggests that there are four eras of evolution in relation to marketing, the Production Oriented, Sales Oriented, Marketing Oriented and the Marketing Controlled.

The basic function of the first era, the 'Production Era', was manufacturing and is synonymous with the Industrial Revolution. Michael John Baker (2003:4) highlights two consequences of the Industrial Revolution which contributed to the rise of marketing as a managerial orientation. Firstly, the economic growth experienced at this time was fuelled by improvements in living standards, which then saw an increase in population growth. This in turn increased demand and encouraged increased output and production. The second consequence of the increased concentration and specialisation of the Industrial Revolution was an increasing divide between the producer and the consumer and the need for new distribution channels and communications to fill the gap. This led to the 'Sales Era'

which recognised the gap between the producer and the consumer and, therefore, the importance of sales staff, wholesalers and retailers, that is, the 'gap-fillers' or 'middle-men' (Keith 1960:36). While this era drew attention to the consumer, the middle-men were the central focus and, therefore, the modern marketing philosophy was not yet applicable. The 'Marketing Era', as the name suggests, was the period when modern marketing philosophy began to take shape. The consumer became the centre of the company's universe. Such recognition meant the Pillsbury Company, for instance, needed to create a department that directed and controlled functions from procurement and production to advertising and sales, a marketing department (Keith 1960:37). The 'Marketing Controlled Era', as Keith (1960:38) describes it, occurred when the company moved away from being "a company which has a marketing concept" to "a marketing company". Marketing philosophy, therefore, spread throughout all areas of the company from inventory to finance.

This periodisation has been described as *ex ante*, meaning a rough model of the history of marketing was already assumed before gathering data. That is, it was already assumed that the activities of these executives in the 1950s were revolutionary, unlike previous marketing executives' activities (Hollander, Rassuli, Jones & Dix 2005:36).

While generalised historiographies based on Keith's marketing evolution model are the most widely accepted in regard to marketing evolution, Keith's model has undergone significant criticism. Ronald A. Fullerton (1988) suggests that Keith's

model, while well-constructed obscures the extent and level of development of pre-industrial marketing practices. He proposes a periodisation that extends from the sixteenth and seventeenth century to modern times (Fullerton 1988:122). D.G. Brian Jones and Alan J. Richardson (2007) provide a challenge to accepted understanding by suggesting that the Four Era framework, which is disseminated continuously in the introductory chapters of the majority of textbooks, did not occur. They go on to state that the Four Era framework is a useful pedagogical tool to discuss the four major marketing concepts, which explains its popularity but does not confirm its validity (Jones & Richardson 2007:23). Consequently, according to some the persistence of the model does not stem from academic rigour. Indeed many consider the popularity of Keith's model to be merely a part of a phenomenon called "the Americanisation of marketing theory" (Burton 2001:722).²

The 1970s saw the introduction of a more critically informed approach to marketing theory; in part this was due to the major debate about the adequacy of theory in marketing and also because of the changing social, political and economic environment in the United States (Burton 2001:722). Part of this debate surrounded the Americanisation of marketing theory and the effects this had. A major concern was that marketing concepts were products of the industrial system of the United States and, as a result, the validity of the concepts across time and

² See also: Bohannon & Dalton (1962), Hotchkiss (1938), Porter & Livesay (1971) for examples of marketing periodisation.

space were extremely limited (Burton 2001:725). Succinctly, the application of American concepts onto other countries at different stages in their industrial and economic growth, that also have different cultures and ways of socialising their citizens, was held to be invalid. Critical marketing theory has also been viewed as being 'anti-marketing' and some marketing academics believe that critical theory does not belong in marketing (Burton 2001:723-725)³. Due to this resistance, critical theory in marketing is still limited and, unsurprisingly, most of the literature available is from outside the United States.

Another important development in marketing theory also occurred in the 1970s. Philip Kotler and Gerald Zaltman (1971:5) argued for the concept of 'Social Marketing' which they define as the "design, implementation and control of programs calculated to influence the acceptability of social ideas and involving considerations of product planning, pricing, communication, distribution, and marketing research". Social marketing is, therefore, used to influence the target audience to change their behaviour for the sake of their health, the environment or by contributing to the community (Kotler, Roberto & Lee 2002:5).

Ethnic marketing, which will be discussed in more detail later in this chapter, has been proclaimed to be a recent development in marketing theory. As recently as 1998, ethnic marketing in the United Kingdom was described as being in "an

³ See also: Ehrensall (1999), Usunier (1998), Hetrick & Lozada (1999), for further discussions of critical marketing theory.

embryonic stage” (Nwankwo & Lindridge 1998:200). However, a review of marketing literature in the United States found articles and books relating to the topic as far back as 1932 (Cui 2001:23). Regardless of these conflicting statements it is fair to suggest there is a renewed interest in the topic, previously viewed as an aspect of market segmentation, ethnic marketing is developing into a complete theory, encompassing all areas of marketing activities.

BASIC MARKETING

As previously mentioned (see page 7), the Four Era’s proposed by Keith (1960) align with core concepts in marketing, hence its usefulness as a pedagogical tool. The ‘Production concept’ focuses on production efficiency; the ‘Product concept’ focuses on the product and improving quality; the ‘Selling concept’ on distribution; lastly, the core issue of the ‘Marketing concept’ is that the consumer is at the centre of the organisation’s activities (Boaz 1999:3-5).

Marketing has been defined simply as a transaction or exchange (Etzel, Walker & Stanton 2007:4). A more developed definition states that marketing is a social and managerial process that is used by individuals and groups to obtain what they need and want by creating and exchanging products and value with others (Kotler, Brown, Stewart & Armstrong 2004:8). The many definitions of marketing that are available vary in length and detail, yet there are common themes throughout. The three most common themes found in this research are the satisfaction of needs and wants, transaction and exchange, and the projection that marketing is a process.

Human need is stated to be a basic underlying concept of marketing (Kotler *et al* 2004:8). A human need is a felt deprivation, be it physical, social or individual (Kotler *et al* 2004:8). A 'want' however, is a human need that is shaped by culture and individual personality and can be described in terms of an object that will satisfy that want (Kotler *et al* 2004:8). Marketing is therefore designed to satisfy these needs and wants with products and services produced by an organisation.

Transaction as exchange is the core framework of marketing (Kotler *et al* 2004:11). Generally, there are three types of exchange. Restricted exchange refers to two-party reciprocal relationships and is the most common example used in marketing literature. Generalised exchange refers to at least three parties in a univocal, reciprocal situation. Univocal refers to indirect benefit for the parties involved in the exchange. The final type of exchange is the complex exchange, which refers to a system of mutual relationships between at least three parties. This exchange is usually represented by the basic distribution channel, beginning with the manufacturer, to the retailer, ending with the consumer (Bagozzi 1975:32-33).

Marketing, as a process, is best represented by the definition, "Marketing is a total system of business activities designed to plan, price, promote and distribute want-satisfying products to target markets in order to achieve organisational objectives" (Etzel *et al* 2007:6). This definition highlights the core activities of planning, pricing, promoting and distributing, also known as the 'Marketing Mix', as the

integral activities of marketing. It also brings to our attention the concept of target markets.

By remaining consistent with the 'Marketing concept', the marketing process focuses its activities on the market and requires there to be careful analysis of these consumers. The marketing process has four major steps; demand measurement and forecasting; market segmentation; market targeting; and market positioning (Kotler *et al* 2004:107). It is market segmentation, market targeting and market positioning that will be the focus of the following section.

MARKETING PROCESS

Market segmentation is a cornerstone of marketing theory. It is the process of dividing the total possible market of a product into smaller homogenous groups. Essentially, members of each of these smaller groups will be similar according to factors that influence demand (Etzel *et al* 2007:142). Another definition of market segmentation refers to it as the process of "dividing a market into direct groups of buyers who might require separate products or marketing mixes" (Kotler *et al* 2004:107). This definition highlights the need for different approaches to different market segments using a varied marketing mix. There are three steps in the process of marketing segmentation. Firstly, identifying the current and potential wants within a market; secondly, identifying the characteristics that distinguish

among market segments; and finally forecasting the potential of these segments and how well they are currently being satisfied (Etzel *et al* 2007:143).

There are many strategies used to find potential market segments, however, the four major variables that are used are geographic, psychographic, behavioural, and the most popular, demographic (Kotler *et al* 2004:345). Geographic segmentation is, as its name suggests, the segmentation of a market based on geographic locality. This can be as broad as an entire region, such as the Pacific and as focussed as the particular type of housing and neighbourhoods consumers live in. For example in New Zealand, it is assumed that the needs of consumers in rural Southland will be different from those in urban areas such as the North Shore of Auckland. Psychographic segmentation uses personality traits, lifestyles and value systems as a means of segmenting a market. There are three variables that are used to analyse a person's lifestyle; their individual activities, their interests and their opinions. The underlying logic is that people who spend their time in the same way and share the same opinions will have the same product needs and have similar buying behaviours (Dibb, Simkin, Pride & Ferrell 2001:391). Behavioural segmentation uses the desired benefits and usage patterns of consumers, so that how consumers buy, use and feel about products is used to identify their product needs (Etzel *et al* 2007:143, Dibb *et al* 2001:391). The most popular variable utilised is demographic segmentation which uses aspects such as age, education, and ethnicity as a means of segmentation (Etzel *et al* 2007:146–151). This variable is perhaps the most popular because demographic statistics are readily available from census

information. Marketers closely monitor population statistics and trends to identify current and potential future markets, such as income changes or growth in certain age groups

Once defined according to the above variables, the segments are then selected according to some set criteria, this is market targeting. While the criteria may vary between organisations the most common guidelines include; the markets must be sufficient enough to generate sales volume; other competitors targeting this segment are few and/or weak; and the target market must be compatible with organisations goals and image (Etzel *et al* 2007:157). Once selected, the segment then becomes the target market.

The three most common market-coverage strategies are undifferentiated marketing, differentiated marketing and concentrated marketing. Undifferentiated marketing or mass marketing is when a company designs a product and marketing campaign that appeals to the largest number of buyers. The focus is on how consumers are similar rather than how they are different. Differentiated marketing targets several segments and designs separate offers for each segment. Concentrated marketing or niche marketing focuses on creating a campaign for one segment of the market (Kotler *et al* 2004:360–361).

Once the desired segments are selected the company must then decide where they want to position that product within that segment. The 'Marketing Mix' or the '4 P's'

are used by the marketing establishment to target consumers. The marketing mix describes a combination of four components, product, price, place (i.e. distribution), and promotion (Boaz 1999:2). Success in the marketplace is achieved by choosing a sensible combination of these elements tailored to fit the target market.

The Product category considers aspects of the product such as packaging, features of the product, quality and styles. The Price category focuses on price strategies, discounts, geographical considerations and credit facilities. Distribution or Place considers the channels, wholesaling, retailing and locations. The final category, Promotion, considers budgets and the various communications and strategies to use when promoting the product (Boaz 1999:2). It is within this category that advertising falls.

MARKETING COMMUNICATION

Marketing Communication/Promotion, involves a wide range of activities included in marketing strategies such as public relations, communication aspects of packaging and, of course, advertising. Advertising is a type of marketing communication with strategies aimed at eliciting various types of impacts on a consumer's thoughts, feelings and actions (Moriarty, Mitchell & Wells 2009:7). A modern definition of advertising states, "Advertising is a paid form of persuasive communication that uses mass and interactive media to reach broad audiences in

order to connect an identified sponsor with buyers (a target audience) and provide information about products (goods, service, and ideas)” (Moriarty *et al* 2009:9). This definition highlights the major differences between advertising and other forms of communication. Firstly, that advertising is paid for by the advertiser and secondly, the persuasive nature of advertising.

The advertising industry has evolved over a long period of time and has been divided into seven stages (Moriarty *et al* 2009:9). The first stage, the Age of Print, begins in the mid 1400s with the advent of the printing press. The advertisements of this age were what we would now call ‘classifieds’ and the main objective was to inform. Following this stage was the Industrial Revolution, which as previously discussed, significantly impacted upon the emergence of a consumer society and marketing. The marketing concept of branding was born and images were first used in advertising with invention of new technology. The Modern Advertising Era began at the turn of the 20th century. This stage is defined by the use of scientific methods and testing to establish theories on the power of headlines and advertising copy. The fourth stage is called the Age of Agencies and begins at the end of World War One. The creation of advertising agencies was a response to increased consumer demand, a loaded marketplace and the need for firms to differentiate their products within this market. The Creative Era of the 1960s and 1970s follows closely behind with an increased emphasis on research and science and the resurgence of art. This era is epitomised by William Bernbach’s phrase, “Advertising is the art of persuasion” (cited in Fox 1997:251). The Accountability

Era focussed on the effectiveness of advertising and ultimately the proof that advertising dollars were being converted into sales. This saw the inception of new approaches such as Integrated Marketing Communications, relationship marketing and niche marketing. The final and apparently current stage of the advertising industry is that of the Age of Social Responsibility. The latter stages acknowledges non-financial responsibilities such as environmental, health and safety and worker welfare and are seen as a firm's imperative to become a better corporate citizen (Moriarty *et al* 2009:20-22).

Advertising, as part of the marketing mix, is an integral aspect of marketing and needs careful consideration when forming part of a large marketing strategy. Neil Borden (cited in Dunn 1969:55) states that a marketer needs to keep in mind four forces, the most relevant of these for this research being consumer buying behaviour, he goes further to suggest that a marketer needs to be a "perceptive and practical psychologist and sociologist, who has keen insight into individual and group behaviour" (Borden cited in Dunn 1969:55). It is this consumer behaviour of individuals and groups that will now be discussed.

CONSUMER BEHAVIOUR

Buying behaviour is influenced by external and internal factors. External factors include social and cultural influences, while internal factors are stated as being psychological and personal influences (Kotler *et al* 2004:245). Culture is said to exert the broadest and deepest influence on consumer behaviour (Kotler *et al*

2004:253), and has been defined as a set of symbols and artefacts created by a society and handed down as determinants and regulators of human behaviour (Etzel *et al* 2007:97). In relation to marketing, culture is a set of basic values, perceptions, wants and behaviours that are learned from family and other important institutions (Kotler *et al* 2004:253). Subcultures are groups of people who share value systems based on common experiences and situations, including religion, race and geographical situation (Kotler *et al* 2004:253) Furthermore, subcultures are said to exhibit behaviour patterns that are sufficient to distinguish them from other groups within the broader culture (Etzel *et al* 2007:97). Other aspects under the theme of social and cultural influences are social class, reference groups, families and households.

Internal factors or psychological influences refer to motivation, the reasons a consumer is seeking to purchase a product or service, and the fundamental question, 'What needs are the consumer trying to satisfy?' The two most popular psychological models of motivation are those by Sigmund Freud and Abraham Maslow. Freud's model, put into a marketing context, suggests the psychological forces affecting and directing consumer behaviour remain largely unconscious. Maslow created a hierarchy of needs model which arranges needs from the most pressing to the least pressing (Kotler *et al* 2004:248).

Another psychological influence is perception, the process by which consumers select, organise and interpret information. It is proposed that there are three

different perceptual processes, selective exposure, selective distortion and selective retention. These different processes essentially highlight the need for marketers to establish the desired message to be projected to the consumer (Kotler *et al* 2004:249-250). Two important relevant psychological influences to also mention are beliefs and personality. These two influences relate to aspects that could be influenced by the consumer's ethnicity and will be developed further in the following section which will introduce ethnic marketing.

ETHNICITY AND ETHNIC MARKETING

Generally, 'ethnicity' is a difficult concept to define. Phil Cohen (1999) maps the history and evolution of the term ethnicity along with its bedfellow's 'race' and 'nation' in his introductory chapter "Through a Glass Darkly: Intellectuals on Race". He claims that for the post-war Western intelligentsia the three terms were all considered negative and henceforth marginalised as inappropriate social descriptors. Ethnicity was "a throwback to forms of culture and consciousness that modernity had long since relegated to the margins of history" (Cohen 1999:1). It was considered a term that could not stand in the modern world. Similarly, 'race' was pushed to the periphery because of its negative usage throughout the war on Nazi fascism. The racist theories of intelligence and eugenics, which were central to this war, meant it was not acceptable to use the term 'race' in official discourse (Cohen 1999:1).

After the Cold-war and the surge of decolonisation throughout the world, connotations surrounding the term 'ethnicity' changed and it became recognised as a permeable and open-ended descriptor of identity (Cohen 1999:2). Cultural aspects such as language and religion were recognised as only 'influential' on people's identities, rather than absolutely reflective of their 'ethnicity'. The negative connotations surrounding the idea of 'race', however, remained, as 'race' came to signify a "fixed quasi-biological essence operative only within scientific or popular racism" (Kellas 1988 cited by Cohen 1999:2). The negativity surrounding the idea of 'race' was most influenced by the 'cultural revolution', which included the African American Civil Rights movement beginning in the 1960s.

Recently the world has seen a growth in organic intelligentsia that have provided a far more complex perspective of race and ethnicity (Gabriel 1994 cited in Cohen 1999:2). These terms have been transformed into tools of resistance and revitalisation of marginalised societies. For example, minority groups began taking negative stereotypes created by dominant society and turning them into "badges of pride". Ethnicity was no longer 'bad' but instead became "soul food" and race was given a "new rationality" (Gabriel 1994 cited in Cohen 1999:2).

In the 1980's, a new theoretical paradigm including the notion of 'new ethnicities' was introduced by Stuart Hall. Hall theorised that identities had moved away from their roots in singular histories of race and nation and to the insistence that ethnicities were invented and modern. The theory of 'new ethnicities' recognised

that globalisation and the many forms of cultural traffic were now conceiving hybrid ethnicities and cultural diasporas. The meeting of East and West, white and black, left and right blurred the binary lines, creating a new and exciting way of thinking and using ethnicity (Cohen 1999:5-7). This theorisation properly reflects the fluidity of ethnicity pointing to the idea that ethnicity is not a fixed entity as conceived of within the previously held biologically determined notions of 'race'. Rather, notions of ethnicity change are now seen to be able to transform within an individual and the groups themselves. Moreover, ethnicity is seen to be influenced by external (as opposed to internal) such as politics, immigration and social consciousness.

MARKETING PERSPECTIVES OF ETHNICITY

We will now focus on the definitions of ethnicity presented in marketing literature. In simple terms, marketing researchers have conceived of ethnicity in relation to racial group membership, and on the basis of commonly shared features (Jamal 2003:1601). This definition implies stability, due to the biological determinism that underpins the notion of 'race'. Further, this connection infers that ethnicity is linked to genetics. Such definitions lean towards an objectivist perspective, which suggest that ethnic groups can be identified by aspects such as surnames, country of origin, paternal ancestry or area of residence (Pires & Stanton 2007:1215).

Other marketing definitions of ethnicity, however, move away from fixed objective notions. For instance, one definition recognises ethnicity as having three defining characteristics; perception by others that the group is unique; perception by members of the group that they are unique; and that the group has some internally consistent behaviour (Pires & Stanton 2005:7). This definition highlights the self-identification of a person as a member of a particular group referred to as a subjectivist perspective (Pires & Stanton 2007:1215). In this sense, ethnic identity is a complex psychological process that includes perception, cognition, affect and knowledge structures about a person's self-identification and identification of others in society (Cuellar *et al* 1997; Tajfel 1981 cited in Jamal 2003:1602).

It is with the aid of the above definitions that ethnic marketing has developed. Ethnic marketing is an approach rooted in marketing segmentation that focuses on meeting the needs and wants of ethnic minority consumers. It requires marketers to treat ethnic minority consumers as a separate and distinct market rather than part of the large integrated mainstream market (Pires & Stanton 2005:3), and is based on the belief that a consumer's ethnic uniqueness extends to their buying behaviour (Pires & Stanton 2000:607). Ethnic marketing recognises that all consumers in a market may be divided using ethnicity-based segmentation. The ethnic groups supposedly contain consumers that have common needs, preferences and purchasing evaluation criteria (Pires & Stanton 2005:33). Central to marketers' activities is the identification of common needs and beliefs in ethnic minority consumers to then identify distinct, targetable groups.

It is fair to state, that using ethnicity as a segmentation variable is considerably complex. The effect culture and ethnicity has on a consumer's buying behaviour is substantial and, thus, current literature is putting forward a strong business case for ethnic marketing. General marketing literature places ethnicity in many different variables used in market segmentation. Ethnicity can be found in demographic segmentation, due largely to the readily available nature of population statistics and censuses. It can also be found in the sub-culture area of the decision-making process (Kotler *et al* 2004: 345).

It is clear the traditional approaches to market segmentation can no longer accommodate adequately the diversities and complexities of the evolving marketing system, especially as new contexts, with all their attendant paradoxes, such as the fluidity of ethnicity, are focussed upon (Nwankwo & Lindridge 1998:200). An increase in research and fine tuning of ethnic marketing frameworks, particularly by Guilherme D. Pires and P. John Stanton of the University of Newcastle, means that ethnic marketing is being viewed as an extremely useful and relevant marketing tool. Therefore, ethnic marketing has now developed into a complete approach with supporting theories.

Nevertheless there are critics of ethnic marketing. Dennis Cahill (2006:60), suggests that ethnicity is not robust enough to use as a segmentation variable and that ethnicities erode over time because people move away from old

neighbourhoods and marry people of different ethnicities, and the children have identities quite distinct from those of their parents. Here Cahill is referring to assimilation and acculturation. The traditional assimilation model, which Cahill is indirectly referring to, suggests that culture of the minority ethnic group will become more like those of the host or dominant culture. The assumption made is that the consumer will follow a linear path from the original culture to the dominant culture and can only go one way, that is, to be more assimilated (Pires & Stanton 2005:42). An interesting point to highlight here is that a majority of the marketing literature focuses on the ethnic minority consumer being from a migrant group hence the use of the word 'host' when referring to the dominant culture (Pires & Stanton 2005:42).

There is very little literature that addresses indigenous consumers, who, in most colonised countries, fall into the category of an ethnic minority consumer. Just as ethnic marketing theory is complex in relation to immigrant consumers it would be equally as complex with indigenous cultures. Māori are the indigenous and essentially host culture in New Zealand, however, due to the process of colonisation and assimilation Māori have found themselves the minority and, some would argue, the subordinate culture. The process of colonisation has seen Māori adopt and assimilate into the immigrant, Pākehā culture. In the recent past, however, Māori revitalisation and subsequent renaissances in areas such as language, arts and ultimately cultural identity has seen many Māori reversing the traditional linear

model of assimilation and returning to aspects of the original culture, pointing to the importance of Hall's aforementioned concept of 'new ethnicities'.

In a literature review, conducted by Geng Cui (2001:23-31), on scholarly studies of ethnic minorities in marketing publications, three stages of development in research in this area were discovered. The first stage, the thematic stage, showed that researchers focussed on identifying research questions and seeking evidence of ethnic marketing in advertising. Issues such as the lack of representation of ethnic minorities in advertising and the belief that ethnic minorities were underserved by marketing were generally at the forefront (Cui 2001:26-27). The next stage was the problematic stage where researchers shifted to identify problematic practices in marketing to minorities and their causes. Problems such as the heterogeneous nature of ethnic groups and the debate of the necessity for separate advertising for different ethnic groups were researched during this stage (Cui 2001:27-28). The final stage is the practical stage. This stage sees researchers seeking practical solutions to some of the existing problems in this area of research. Accordingly, theories have developed such as the cultural distinctiveness theory of Rohit Deshpande and Douglas Stayman (1994:56-64), which suggests that an ethnic minority will respond positively when a spokesperson of their own ethnic background is used in advertising.

Cui (2001:29) states that research on ethnic consumers in the United States has been increasing over time and has coincided with major historical events such as

the civil rights movement and affirmative action policies. This will be important later when we look into the development of advertising targeted towards Māori and, for example, the impact events such as the Māori revitalisation period has had on advertising to Māori. Cui (2001:30) goes further in his literature review to suggest directions for future research. The most striking of Cui's (2001:30) recommendations in terms of the present thesis, is the need for more research in how to improve marketing to ethnic consumers to avoid "marketing blunders" and that this research can help improve corporate "cultural competency".

'Cultural competency' as Cui (2001:30) recommends, is ultimately about the marketer increasing their understanding of the culture they are attempting to engage with. Implicit to this is, the understanding of the ethical issues that are present in their marketing processes and using appropriate ethical frameworks, that not only reflect the desired culture of their organisation but also that of the target market. What is also apparent is the need for a more developed approach to the understanding of ethnicity in ethnic marketing theory. As Hall (2006) discusses, 'new ethnicities' are not rooted in *one* singular history, but are developed from the interactions of groups and the influences they have on each other. This supports Cahill's argument against using ethnicity as a viable segmentation tool due to its fluid nature. Pires and Stanton (2000, 2004, 2005), however, work to find common values and beliefs to identify ethnic groups and with an extensive body of research, as identified by Cui (2001), there appears to be some foundation to claims that ethnic marketing can be successful. Improving ethnic marketing practise, through

developing theory and understanding the complex nature of ethnicity, must be supported by a strong understanding of its ethical implications.

The following chapter will present an initial enquiry into Western ethics. Classical theories and modern ethical theories will be introduced, exploring their basic principles and their impact on human behaviour and morality. Following this, ethical frameworks present in marketing and advertising will be explored. Finally, the influence of culture on marketing ethics will be investigated to provide a foundation for the development of ethical frameworks that will support ethnic minority consumers and provide guidance for marketing managers.

CHAPTER TWO: DISCOVERING 'RIGHT' WAYS

Marketing and advertising produce discourses that shape cultural values, stereotypes and norms (Borgerson & Schroeder 2002:570). It is, therefore, essential that the ethical implications and considerations of such powerful discourses are investigated. It is apparent from the previous chapter that targeting a particular ethnic group is strategically, logistically and theoretically difficult. Importantly, research strongly emphasizes the range of ethical issues that can arise due to ethnic minority targeted marketing.

This chapter will explore ethics in relation to this topic, that is, the ethical considerations of Māori targeted advertising. The chapter will begin by introducing ethical theory and practice. Normative theories of ethics and other ethical theories such as social contract ethics will be introduced. Following this, the application of these ethics within marketing and advertising will be explored and also the influence that culture has on ethics in a marketing context. Various frameworks of ethical consideration and perceptions of ethics will be explored to begin the development of an ethical approach that can be applied to the marketing context and satisfy the morals and ethics of all stakeholders.

ETHICAL THEORY

Ethical theory and moral philosophy is the study and justification of right actions (Beauchamp, Bowie & Arnold 2008:2). There are three general approaches when investigating ethical theory and moral philosophy; descriptive; conceptual; and normative. Descriptive approaches discuss what people believe to be ethical and moral. Conceptual studies examine important terms related to ethics such as justice and respect. Normative or prescriptive approaches to ethics inform people as to what they ought to believe to be ethical (Beauchamp *et al* 2008:7). Of these normative approaches there are three ethical theories that dominate the literature, they are teleological, deontological and virtue ethics.

TELEOLOGY

Teleological ethics or consequentialism is concerned with, as the name suggests, the consequences and outcomes of decisions. Here, it is the end results that are assessed as to their ethical standing (Beauchamp *et al* 2008:18-19). Utilitarian ethics is the most dominant in this consequence focussed category. Essentially, while some theories differ slightly, the core moral principle of utilitarian ethics is that the 'good' achieved must be for the greatest number. Therefore, if a consequence provides 'good' for the majority of those affected, the action is teleologically sound. Followers of this ethic have varying views of what is considered 'good'. Hedonists view pleasure and happiness as good, therefore, a

decision that brings the greatest amount of pleasure to the majority of people would be viewed as ethically sound (Beauchamp *et al* 2008:19-20).

DEONTOLOGY

Deontology is based on the premise that an act is judged as ethical or unethical based upon its nature, that is, the motivations are the focus. For example, if an act is pursued out of love or caring for another then it cannot be morally defective irrespective of the consequences. Immanuel Kant is perhaps the foremost authority on deontological ethics. In Kantian ethics, motives must be based on obligation and pure reason. Kant's Categorical Imperative goes further to suggest if the action can become a universal law within reason then it is morally ethical (Beauchamp *et al* 2008:26). At the core of the Categorical Imperative is the unquestioning and pervasive respect for the dignity of the individual and asserts that all humans be viewed as an end, never a means to an end (Fine & Ulrich 1988:542).

VIRTUE ETHICS

Virtue ethics states that the primary function of morality is to cultivate a virtuous character. Succinctly, virtue ethics is an ethic of being rather than doing (Beauchamp *et al* 2008:34, Perrett & Patterson 1991:185). Aristotle, the father of virtue ethics, gives us a list of virtues that are desirable and are necessary for human flourishing (Perrett & Patterson 1991:185). This ethical approach relies heavily on the motivations of the actor like Kantian ethics, yet as Kant's only demand is that you

act from a rule of obligation, virtue ethics suggests that if a person is acting out of obligation, but detests the act and the desire is lacking, then the person's character is morally defective (Beauchamp *et al* 2008:34).

In business ethics, these three normative theories feature heavily, although it is perhaps teleology and deontology that are the most dominant. Other normative theories include social contract, justice, rights and situation ethics.

SOCIAL CONTRACT

There are three key components of social contract theory, firstly there must be consent by the individual, an agreement between moral agents, and a device or method by which the agreement (actual or hypothetical) is recognised and obtained (Dunfee, Smith & Ross Jr. 1999:17). Therefore, moral principles are not based on human nature or, as Kant suggests, in reason, but because people have agreed on them, an agreement that states what principles are right and good (Furrow 2005:90).

JUSTICE

A social contract theory that has influenced contemporary ethical theory was created by John Rawls in 1971, and pertains to a theory of justice (Furrow 2005:90). The formal element of a theory of justice is that the same sets of rule should apply to everybody and similar cases should be treated in a similar manner.

This raises many questions, such as, how does one determine the likeness of cases? What rules should apply? How do we determine an individual's dues? An egalitarian viewpoint suggests that everybody has the same intrinsic worth and, therefore, should be treated with the same concern and respect. An in-egalitarian view states that the intrinsic worth of an individual is determined by their personal characteristics, therefore, some people may deserve more respect or concern than others (Geirsson & Holmgren 2000:167-168). Rawls' 'Justice as Fairness' theory is based on an original position of equality. This original position is a hypothetical situation where no man knows his class, status or place in society. The theory and principles of justice must be conceived behind "a veil of ignorance" (Rawls 1971:19), that way, no person is advantaged or disadvantaged. Therefore, the principles of justice are agreed to in an initial situation that is fair.

RIGHTS

The core principle of a 'right' is that the rights holder is entitled to certain kinds of treatments afforded to all. Rights are justified claims, for example, the commonly heard 'right to education' is a justified claim that each individual is afforded equal access to education. The justification of a claim must be based on a standard that is generally accepted by society, similar to social contract theory, and can leave certain rights open for disagreement as standards can be interpreted differently by different people. Kant claims that there are two forms of right, negative and positive. Negative rights are those that impose a negative duty on a person, for

example, the right to privacy imposes the duty on people not to intrude into the private matters of others. A positive right is that which imposes a positive duty on people, such as the right to education which imposes the duty for education to be provided (Velasquez, Andre, Shanks, & Meyer 1990: 1-4).

SITUATION ETHICS

Situation ethics is a theory that was developed by John Fletcher, an Episcopal priest, in the 1960's. The fundamental principle in situation ethics is that love is the ultimate law (Tillich 1973:152). A teleologically based ethical theory, situation ethics is focussed on the consequences of an action. Based on the Christian principle of *agape* (love), all other laws may be set aside or broken if the subsequent consequence is more love. Fletcher cites "love your neighbour as yourself" highlighting the altruism aspect of situation ethics, putting others before the self and showing love towards everyone. Fletcher (1966:40-56) also gives four presuppositions to the use of situation ethics; first that the action must be practical and work; all situations are relative; the ethics rely on people freely believing in the *agape* as prescribed by Christian thought; and finally that the laws are for the benefit of the people. There are also six fundamental principles; firstly, as stated earlier, only one thing is good, that is love; secondly, and closely related, is the principle that love is the only ruling norm in Christian decisions; thirdly, that love and justice are the same, justice is only love distributed; fourth, is love wills the neighbour's good, highlighting the love for everyone principle; fifth, a focus on

consequentialism in that the end always justifies the means; and lastly, the principle of relativism, in that decisions of love are made situationally not prescriptively (Fletcher 1966:57-145).

Ethical theory is wide ranging, over-lapping and heavily debated. The theories that have been presented here are only the major theories of Western ethics and do not account for other cultures, religions and alternative schools of thought. There is much debate about how these ethics should be applied to particular situations and attention is often drawn to aspects found lacking in a particular ethical theory. A common theme across all ethical theories is the search for universal 'goodness' and 'rightness'. The following section will explore what is considered good and right in marketing and how ethics can be applied to issues in marketing related situations.

MARKETING ETHICS

Marketing ethics is an investigation into the "moral judgements, standards and rules of conduct" (Hunt & Vitell 1986:7) relating to marketing activities and decisions. Marketing is obviously seen as a subset of business and, therefore, business ethics do apply. Marketing does present its own unique set of ethical issues, however, and ethical frameworks within marketing are numerous⁴. These frameworks have typically included classical theories such as utilitarianism,

⁴ See: Hunt & Vitell (1986), Laczniak & Murphy (1993), Donaldson & Dunfee (1994), Singhapakdi & Hunt (1991).

Kantian or duty-based theories, and virtues. Of the literature on marketing ethics, advertising ethics subsume a large portion. In two bibliographies compiled on marketing and advertising ethics advertising ethics represented between 27.5%, 32.3% and 34% of all the marketing literature found on *ABI/Inform* database (Hyman, Tansey & Clark 1994; Bol, Crespy, Dunn, Steams & Walton 1993). This is due, in part, to the highly visible nature of advertising. While the consumer may not know or understand the various other aspects of marketing such as distribution or product development, advertising is the aspect of marketing that is the most seen and the most widely criticised. In a sense, advertising acts as the public face of marketing ethics and is thus where morality comes to the fore. While advertising ethics will be discussed further in this chapter, this section will introduce marketing frameworks, social responsibility, codes of ethics in marketing and, highlight advertising ethics and ethical issues specific to marketing to ethnic minorities.

Shelby Hunt and Scott Vitell (1986, 1993, 2006) have created a general theory of marketing ethics, first published in 1986 and then revised in 1993. The theory is widely used to teach marketing ethics and was called the Hunt-Vitell (H-V) theory of ethics. It was also claimed to be a useful model for *all* ethical decision-making, not only in business and marketing (Hunt & Vitell 2006:143). The theory is represented in a process model (see Figure 1) and draws heavily on classical teleological and deontological ethical theory, but also on concepts from the work of other marketing ethical theorists. Hunt and Vitell (2006:144) claim that the

model uses intergrated social contract theory, present in the work of Donaldson and Dunfee (1994) and Machiavellianism from the work of Singhapakdi and Hunt (1991) to name a few.

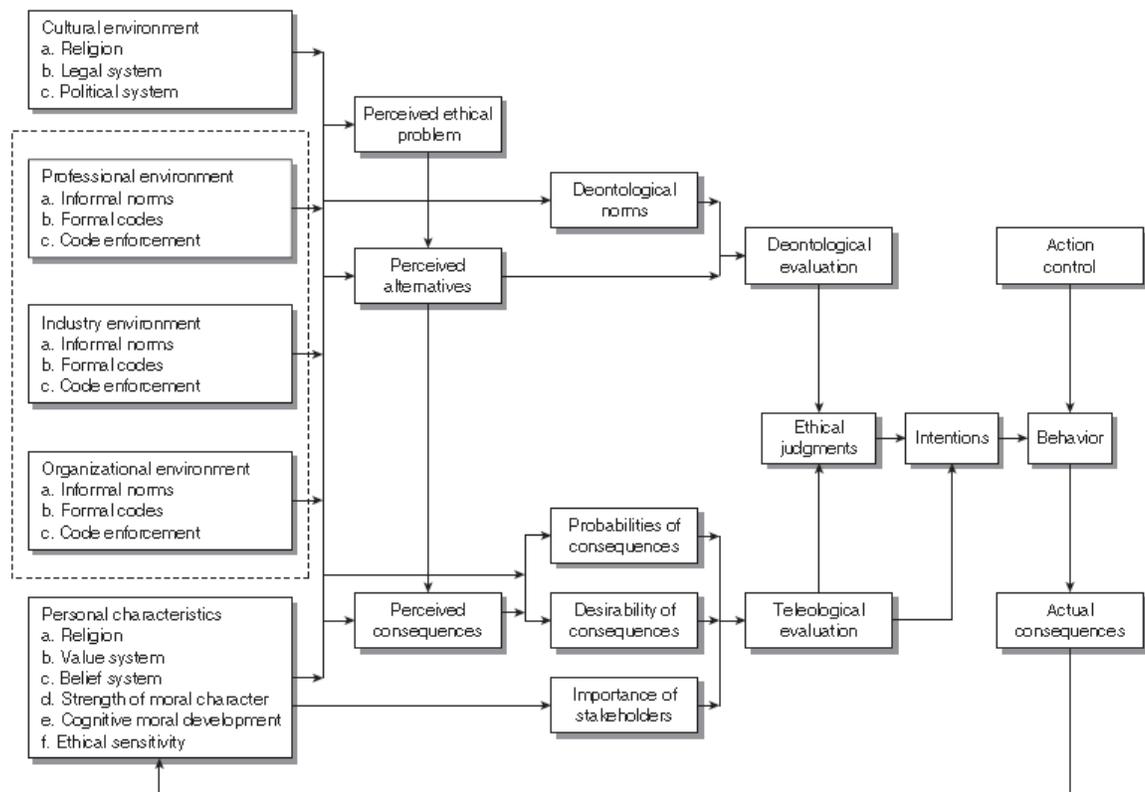


FIGURE 1: HUNT AND VITELLI MODEL (HUNT & VITELLI 2006:144)

The model demonstrates the influences of culture and personal environments on the perception of ethical issues, alternatives and consequences of actions (Hunt & Vitell 2006:144). These are then also influenced by, depending on the individuals circumstance, the industry, professional and organisational environments. The model goes on to suggest that the individual evaluates the perceived situation according to two ethical theories, deontology and teleology. The deontological

process involves the individual evaluating each ethical problem and its alternative against deontological norms, or hypernorms. These norms are supposedly universal norms of 'rightness' or 'wrongness'. A clear example, given by Hunt and Vitell (2006:145), is the imperative to inform employees about dangerous health hazards in the workplace. These norms are necessary for human existence, so much so that they would be expected to be represented in religious and cultural beliefs (Donaldson & Dunfee 1994:265). The teleological evaluation explores the desirability and probability of consequences, as well as the perceived importance of stakeholders involved. It is the combination of deontological and teleological evaluations that brings the individual to the ethical judgement, what they then intend to do and ultimately the resulting behaviour or action (Hunt & Vitell 2006:144-146).

The Prototypical Normative model by Gene Laczniak and Patrick Murphy (1993:49-51) is a pluralistic model that incorporates several classical theories of ethics. It consists of eight questions that should be asked by a marketing manager when considering the ethics of a marketing practice. The questions each represent a different ethical theory. The first question is described as the legal test, will the action violate the law? The next question asks if the action will be "contrary to widely accepted moral obligations?". This is understood as the duties test, highlighting a responsibility on the marketing manager to ensure there is no breach of prevailing moral standards. The third question asks if the action may violate any special obligations the managers particular type of organisation may have. For

example, a company may have obligations to sponsors that might restrict in some ways the marketing directions they may take. The fourth question is the motivations test and asks if the “intent of the contemplated action” is harmful. This aspect stems from virtue ethics where it is suggested that the motivation for an action must be for good and not solely out of obligation. The next question is founded in teleology, whereby it asks if there will be any harmful consequences to either the organisation or to people due the contemplated action. The sixth question explores alternatives based in utilitarianism. The question asks if there is an “alternative action” which “produces equal or greater benefits” to those people that are likely to be affected. The rights test follows, asking if the proposed action will infringe on any rights, being them property, privacy or “inalienable rights of the consumer”. This places a negative duty on the marketer to ensure they do not breach the rights of the consumer. The final question is centred around justice and is perhaps the most relevant to ethnic minority consumers. The question asks “Does the proposed action leave another person or group less well off? Is this person or group already a member of a relatively underprivileged class?”. Here, the focus is on minority groups, rather than emphasising “generally” or “widely accepted” groups or standards. With these eight questions asked, a ‘yes’ to any of these questions would highlight an ethical issue and, therefore, require a re-assessment of that contemplated action (Laczniak & Murphy 1993:49-51). The framework recognises the impact that marketing has on society and individuals and calls for decisions to be ethically and socially responsible.

COMPANY ETHICS

Corporate social responsibility has been defined as “a commitment to improve community well-being through discretionary business practices and contributions of corporate resources” (Kotler & Lee 2005:3). A more developed definition states that it “is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large” (Labbai 2007:17). Donald P. Robin and R. Eric Reidenbach (1987:45) link social responsibility to normative ethics by stating that “corporate social responsibility is related to the social contract between business and the society in which it operates”, that is, that there are a set of generally accepted obligations between institutions and general society (Steiner 1972:18). The obligations can relate to the impact the corporation has on the welfare of society (Robin & Reidenbach 1987:45). The focus of social responsibility can shift. For example, the current focus of corporate social responsibility may be the environment due to increased attention on carbon emissions and reducing their carbon footprint. Despite this changing focus, social responsibility is often at the centre of many organisations’ mission statements.

Many organisations now have codes of ethics that the employee or members must adhere to and marketing is no exception. These codes of ethics are represented in the Hunt-Vitell model under the influences found in organizational, professional

and industrial environments (Hunt & Vitell 2006:144). For every country and for every marketing association within that country there are codes of ethics. While each code of ethics varies in length and specificity, they tend to all have similar basic principles that guide all members as to their major responsibilities. For instance, Marketing Association of Australia and New Zealand (MAANZ 2002-2005) has four basic guiding principles:

Marketers' Professional Conduct must be guided by:

1. The basic rule of professional ethics: not knowingly to do harm;
2. The adherence to all applicable laws and regulations;
3. The accurate representation of their education, training and experience; and
4. The active support, practice and promotion of this Code of Ethics.

The American Marketing Association recently updated their Statement of Ethics, moving away from the standard principles present in other associations, such as MAANZ. The statement contains three ethical norms and six ethical values to guide members of their association. The ethical norms state that as marketers, they must, first, do no harm, secondly, foster trust in the marketing system and, finally, embrace ethical values. The six ethical values are honesty, responsibility, fairness, respect, transparency and citizenship (American Marketing Association 2010). Generally, marketing codes of ethics include clauses that stipulate ethical behaviour in relation to a wide range of areas such as pricing and promotion, distribution, research, and product development. However, there are no formal guiding principles or code of ethics for ethnic marketing or related specifically to ethnic minority peoples.

ETHICAL ISSUES IN ETHNIC MARKETING

While there are no formal guidelines for marketing to ethnic minority consumers it has been recognised by academics and researchers that there must be careful consideration taken when deciding to target an ethnic minority group, especially given that unsound ethical strategies may alienate ethnic markets (Labbai 2007:24). Five ethical issues have been highlighted in relation to ethnic marketing targeting and segmentation, these are; inadvertent stereotypes; biology and genetics; nature of the product; redlining; and ethnocentric bias (Pires & Stanton 2002:114).

Inadvertent stereotypes occur because it is suggested that advertising is better understood when using stereotypical characterisations. The use of stereotypes in advertising is common because when used they simplify and decrease the amount of information transmitted to the consumer in order for them to understand the message. The unintended effects of the use of stereotypes are the reinforcing of social stereotypes, dehumanisation of interpersonal relationships, encouragement of simplistic social analyses and the aggravation of sexism or racism (Pollay 1986:23).

Marketing communication relies heavily on visual representation to produce meaning. The representation is used to create an image of the product or service by linking brands to an identity of their own. These representations often replace an

actual experience, that is, representations can entice people into believing they have knowledge of something of which they have no experience which, in turn, influences the experiences they have in the future. It is this replacement of experience by image and concern for misrepresentation that creates an ethical issue (Borgerson & Schroeder 2002:571).

For example, biological and genetic signifiers can be used to signify meaning. The use of superficial or exaggerated physical attributes of ethnic minorities, for instance, can convey meaning to a consumer about a product based on these stereotypes. Often these do not reflect a 'truer' picture of that group and has historically been used in political propaganda to suggest that a group is inferior (Pires & Stanton 2002:114). The use of such racially based historical stereotypes is dehumanising, degrading and can alienate members of that group who do not possess these physical traits.

The 'nature of the product' relates to the targeting of harmful or negative products to ethnic minority consumers such as alcohol and tobacco. Pires and Stanton (2002:114) state that it is not clear why this is an ethical failure when applied to ethnic minorities and not every consumer. Despite this, in a study conducted using an Ethics Perception Questionnaire, the marketing of vulnerable products to inner-city economically disadvantaged ethnic minorities was deemed as unethical by approximately 62% of participants (Treise, Weigold, Conna & Garrison 1994:65). These disadvantaged groups are understood in marketing terms as 'vulnerable'.

'Vulnerability' refers to the susceptibility to physical, economic and psychological harm, or being taken advantage of by another person (Smith & Cooper-Martin 1997:4). An alternative definition of vulnerability states that in an exchange one party may be disadvantaged due to characteristics beyond their control such as, race or age (Andreasen & Manning 1990:13). Groups that are considered vulnerable are children and the elderly, and due to the over-representation of ethnic minorities in lower socio-economic circumstances; these groups are also considered vulnerable.

'Redlining' is the selection or exclusion of markets based on racial lines. This is essentially racial discrimination but can also be the function of ethnic market segmentation (Pires & Stanton 2002:114). The ethical issue is the alienation of other groups by excluding them from the campaign and the broader issue of the appropriate use of race as a segmentation tool.

'Ethnocentric bias' questions whether theories and paradigms based on majority and mainstream marketing can be generalised to apply to ethnic minority consumers (Pires & Stanton 2002:114). This can be seen in critical marketing, where there is concern over the application of American theories to the wider marketing field. In regards to ethnic marketing, it has been clearly stated that it requires different approaches due to the influence of culture and ethnicity on decision-making. This issue will be further explored in the following section which investigates the impact of culture on ethics.

CULTURE AND ETHICS

With the advent of globalisation, trying to normalize activities across countries and cultures by creating a common set of norms and, therefore, simplifying ethical decisions is unrealistic (Paul, Roy & Mukhopadhyay 2006:28). Hunt and Vitell (2006:143-153) addressed this in their process model and general theory of ethics, highlighting the external influences of personal and cultural environments upon an individual's ethical judgment making. Pires and Stanton (2002:111) also suggest that culture significantly impacts on defining ethical standards as dissimilar cultures socialise people differently, therefore, including culture as a major factor is important to the formulation of ethical standards.

In a study that investigated the impact of cultural values on marketing ethics it was stated that a person's value system and, therefore, their understanding of ethics was "greatly influenced" by their cultural background (Paul *et al* 2006:30). Employing the work of Hunt and Vitell (1984, 1993, 2006) the study used a five dimensional framework of cultural values, created by Geert Hofstede (1991), and assessed how these cultural dimensions impacted on five marketing norms. The marketing norms assessed were pricing and distribution, product and promotion, information and contracts, obligations and disclosure, and general integrity and dishonesty (Paul *et al* 2006:33).

The cultural value framework by Hofstede, presented in his book *"Cultures and Organisations: Software of the Mind"* (1991) consists of five dimensions. The first dimension focuses on collectivism versus individualism. The study showed that collective cultures were generally a shame-based culture, bound to strong traditions and had strong moral obligations to their families and other kinship groups they were members of. The study then showed that collective cultures had positive effects on all of the marketing norms, except for pricing and distribution (Paul *et al* 2006:33). The second dimension assessed accounted for 'uncertainty avoidance', or the level members of a culture feel threatened by unknown situations. It is suggested that groups with a high level of uncertainty avoidance are likely to need many, precise laws, follow norms with respect and create structured situations to predict behaviours. The third dimension looks at masculine values versus feminine values. Masculine cultures are said to have distinct gender roles, whereas feminine cultures see gender roles overlap. Masculine cultures are considered to be more likely to have high levels of corruption and overlook ethically questionable practices (Getz & Volkema 2001 cited in Paul *et al* 2006:36). Significantly, masculinity had a negative effect on general honesty and integrity (Paul *et al* 2006:47). The fourth cultural value evaluates 'power distance'. A culture with a large power distance, expect and even desire inequalities among people. People functioning in this culture are more likely to follow the orders of their superiors rather than any code of ethics. The final cultural value discusses long term versus short term orientation. Cultures with a long term orientation support interrelatedness with social contracts and stress the importance of keeping

commitments. People in these cultures tend to obey rules and conform to avoid shame or guilt (Schwartz & Bilsky cited in Paul *et al* 2006:38). In relation to the study, long term orientation had a positive effect on general honesty and integrity, information and contract, and product and promotion norms.

By identifying aspects of culture and their impact on marketing norms the study demonstrated that the culture of a target group must be considered as it can impact on several areas of marketing. Of most concern to this thesis is the ethics involved in advertising and the impact culture may have on this particular area of marketing.

ADVERTISING ETHICS

In the early work of Sir (Frank) Peter Bishop (1949), *The Ethics of Advertising*, he firmly stated that all advertising practitioners should abide by a utilitarian ethic. That is, the teleological ethics, which suggests the greatest good for the greatest number. Here an organization conducts a cost-benefit analysis. If the benefits of the advertisement outweigh the costs (or consequences) then the advertisement is ethically right (Pratt & James 1994:465). Less than 40 years later, it was apparent that this theory of advertising ethics needed to be re-examined. In research conducted by Cornelius Pratt and E. Lincoln James (1994:455-468), advertising practitioners were interviewed using four scenarios. The responses of the practitioners to the scenarios determined the generally prevailing ethic and the best-suited classical ethical theory for advertising ethics. Pratt and James (1994:

455) argued that the industry's seemingly unwavering adherence to deontology gave uprising to the public perception that as an industry it was most susceptible to ethical dilemmas. They argue for contextual responses, that is, the right ethical theory for the right situation.

It is understood that due to the very nature of advertising (i.e., its pervasiveness and visibility) it presents very special difficulties for business ethicists (Hackley 1999:37). While considered trivial by some, advertising, as a sum of many different parts (messages and symbols), plays a significant role in "framing and constructing contemporary consumer consciousness" (Hackley 1999:38). It is this collection of symbols, the various channels that receive and send these messages and the complex nature of interpretation, or making sense of these symbols, that raise issues. The problem in regards to ethicality, as Hackley (1999:39) states, is "the attribution of ethical value to certain acts or intentions since value itself can be seen as a social construction mediated by and through the language people use to talk about it". Here again, the influences of social and cultural belief arise. Hackley (1999:41) acknowledges the complex nature of 'sense-making' or 'human meaning-making' and goes further to suggest that normative ethical stances in the case of advertising are impossible.

George Zinkham (1994:1-4) explores the methods and trends of research and advertising ethics. He found that since the inception of the *Journal of Advertising* in the early 1970s, the subject of advertising ethics has been well researched but

certainly not exhausted. During the first 20 years of the Journal there were 159 articles published in the area of the advertising ethics, representing 33.6% of all articles (Zinkham 1994:4). Zinkham (1994:1-4) also highlights the work of Michael Hyman, Richard Tansey and James W. Clark (1994:5-15) which discusses advertising ethics as a mainstream topic of research and highlights 33 areas of potential research for the future. Using the ABI/Inform database, the researchers found that of the 9860 articles from 47 journals available in this database, only 58 explored advertising ethics (Hyman, Tansey & Clark 1994:7). Unsurprisingly, it appears that the *Journal of Advertising* is a rare example of high levels of research into the area of advertising ethics compared to other journals across the board. Of the articles on advertising ethics, it was determined that 5.2% explored the ethical issues associated with minority or ethnic groups and 10.4% on racial and sexual stereotyping (Hyman *et al* 1994:9). The researchers also surveyed 14 marketing academics as to their perceived impediments to research, general areas and specific areas for future research. This survey found that there were five general areas and 33 specific areas for future research. Of most relevance to this thesis is racial stereotyping, which featured as the sixth most important area of future research. Also, a noticeable feature of these interviews is the omission of advertising to minority and ethnic consumers from this list by the marketing academics. This is vastly different from the views of consumers that were surveyed in regards to their perceptions of advertising ethics. The ethics of targeting minority consumers, particularly with negative products such as alcohol, cigarettes

and, gambling, was highlighted by consumers as an area of concern and interest (Treise, Weigold, Conna & Garrison 1994:60).

Ethnic consumers interviewed by Jonna Holland and James W. Gentry (1999:65-77) showed that while companies may not intend to offend ethnic consumers with their advertisements, the mere fact that the ethnic group is being targeted can prompt negative responses. Holland and Gentry (1999:66) also note that the interpretation of messages depends on various cultural viewpoints, and there is no universal way to predict the response that this type of advertising may receive. They also go on to state that research in this area has been lacking and there is a need to examine issues associated with ethnic consumer viewpoints (Holland & Gentry 1999:66).

Holland and Gentry propose an 'Intercultural Accommodation Model', which focuses attention on the targeted consumer and their potential responses to targeted advertising. The model explores six antecedents and the subsequent consequences these antecedents may have on targeted advertising. These factors must be understood thoroughly for a targeted advertising scheme to be successful and ultimately diminish any negative effects the scheme may have on the ethnic consumer (1999:70-75). Ultimately, what this research tells us is that to avoid any ethical issues; particularly those ethical issues perceived by the ethnic consumer, one must fully understand all the influences on the consumer when it comes to interpreting messages. This means, understanding the culture of the consumer, beyond language, but also their experiences in accommodating and attitudes

towards mainstream culture, as outlined by the antecedents set in the Intercultural Accommodation Model. As in any other good marketing strategy, the model suggests the marketer decreases ethical issues that may arise; by increasing their knowledge of the targeted market.

The discussions in this chapter reflect the recommendations made by Cui in the previous chapter, that is, to improve marketing to ethnic minority consumers, there must be an increase in understanding of that ethnic minority culture. The discussions have also suggested that a multi-ethical approach is the best approach when dealing with marketing and especially marketing to ethnic minorities. A single normative theory cannot encapsulate the complex nature of ethnic marketing, just as a single history does not reflect the complex nature of ethnicity. Paul, Roy and Mukhopadhyay (2006:28-56) demonstrate this best with their research that showed that various aspects of culture can have different effects on different aspects of marketing.

The next chapter will begin to fulfill part of the recommendations set out in this and the previous chapter which is developing an understanding of the culture of the target market. An exploration of Māori ethics will be undertaken to begin to build a better understanding of Māori as a group of ethnic minority consumers. The chapter will introduce the various theories and ethical discussions presented by leading Māori academics and repositories of Māori knowledge. Also, there will be

an investigation into the impact of the Treaty of Waitangi on ethics and the creation of a bi-cultural ethical framework.

CHAPTER THREE: NGĀ WHAKAARO TĪKA

The aim of this chapter is to explore various aspects of the Māori world, especially in relation to the morality of Māori epistemologies and what is considered 'good' and 'right' in Māori culture. It will begin by presenting an introduction to a Māori worldview⁵. The various principles and values that make up a general Māori worldview will be outlined to provide a foundation for the subsequent discussions about Māori ethics. Various theories of Māori ethics will be presented to contribute to the overall aim of the thesis which is to construct an ethical framework to cater for Māori targeted advertising. As the previous chapters have discussed, it is vital for marketers to develop an in depth understanding of the culture they aim to engage with. Culture impacts significantly on aspects of marketing ethics and ethical considerations, therefore, the exploration of Māori ethics will aid in building a framework of ethics that can be applied to a marketing context.

MĀORI WORLDVIEW

The Māori worldview is one that links every person to every living thing and to the *atua* (gods, ancestors), using *whakapapa* (genealogy) (Ka'ai & Higgins 2004:13). It is genealogy which establishes a Māori person's place in the world and their

⁵ Māori are a confederation of tribes that each have unique worldviews and histories that influence their belief systems. The worldview presented here is one that reflects commonly held beliefs across these *iwi* and does not claim to be 'the' Māori worldview.

relationship to the land and the people. The societal structure of Māori is viewed as a four-tiered hierarchy consisting of *waka* (canoe), *iwi* (tribe), *hapū* (sub-tribe) and *whānau* (family) (Reilly 2004:61). *Whakapapa* links individuals to the land through Māori creation narratives that demonstrate a genealogy that stems from the Sky father, Ranginui and the Earth mother, Papatūānuku (Reilly 2004a:2). In this sense, a Māori cosmos is rooted in the land and bound to the heavens. The dual meaning of the word *whenua* (placenta\land) signifies the importance of a connection between Māori and land. Ties to land can be literally seen through ancestors being buried in earth while *whenua*, placenta, can also be buried in the earth to maintain a connection with the land. This cycle signifies the nourishment both definitions of *whenua* provide. The land also represents the wellbeing of the collective, as *hapū* use natural resources to survive, and maintenance of natural resources is seen as crucial to the survival of future generations. It is clear from this discussion that *whakapapa* and its inherent links to the environment form the backbone of the Māori worldview and is central to what constitutes a Māori identity.

Whakapapa, which extends from the *atua*, also provides a person with *mana* (power, authority). The amount of *mana* depends on how close or how far removed a person is from the senior descent lines and, therefore, the distance between them and the *atua* (Ka'ai & Higgins 2004:14). There are several variations of *mana*; *mana* that one gains from their lineage is known as *mana tūpuna*; *mana atua* is the power of the *atua* and can be given to people due to their conformity to rituals and beliefs; *mana whenua* is the power over possession of lands and the ability to create

sustenance from that land; and the final type of *mana* is *mana tangata*, which is the acquired *mana* one can receive for enhancing their skills in particular areas (Barlow 1991:60–62).

Closely related to *mana* is the concept of *tapu* (sacred, set apart). *Tapu* is the ultimate power of the *atua*. Everything in the world has *tapu* because everything was created by the *atua* as demonstrated in the creation narratives (Barlow 1991:128-129). Michael Shirres (1997:33-49) divides *tapu* into two forms, intrinsic *tapu* and extensions of *tapu*. Intrinsic *tapu* is that which comes from the beginning of existence, the *tapu* a person is born with and that comes from the *mana* of the *atua*. In Māori society, each *atua* is associated with particular aspects of the natural world. For example, the *kumara* (sweet potato) sources its *tapu* from the *mana* of Rongo-mā-tāne (god of cultivated foods). Humankind sources their *tapu* from Tūmatauenga (god of war) in Te Arawa traditions and Tāne-mahuta (god of the forest) in Ngā Puhī, Ngāti Kahungunu and Kai Tahu traditions (Shirres 1997:38-40). Extensions of *tapu* relate to the control of the meeting of one form of *tapu* with another *tapu* via a system of restrictions and prohibitions (Shirres 1997:38). An example, of this can be found in the *pōwhiri* (rituals of encounter) process, which occurs on the *marae* (meeting place). The process is necessary to control the social encounter between *tangata whenua* (local people) and *manuhiri* (visitors). Each group is considered *tapu* and the process allows for the management of this encounter by specific acts and rituals. Every *iwi* has a different *kawa* (protocol) as to the strict order of events and their unique histories.

The concept of *noa* (everyday, mundane) is one that has caused some debate by those that have written about it. Early anthropologists and historians stated that *noa* could be defined as 'profane' or 'polluting' due to it being misread as a binary opposite that had a negative effect on the 'sacredness' of *tapu*. However, Shirres (1997:42) demonstrates that *noa* only affects the extensions of *tapu* and does not affect intrinsic *tapu*. *Noa* can be attributed to common things in the Māori world such as, water and food, whilst women also have *noa* qualities. *Whakanoa* (to make *noa*, free from restriction), therefore, lifts the extensions of *tapu* allowing for freedom from ritual and restriction. In the *pōwhiri* process this act of *whakanoa* can be found in the *hākari* (feast). The *hākari*, as food, allows for the *tangata whenua* and *manuhiri* to socialise and interact free from the restrictions of *tapu*. This process can also be found in other areas such as the lifting of the *tapu* associated with death through the use of water, food and ritual *karakia* (chant, prayer), or the opening of new *marae* or buildings.

This section has introduced basic concepts, underlying principles and processes in the Māori worldview. While some *iwi* will place stronger emphasis on different concepts, it is understood the concepts of *tapu*, *mana* and *noa*, have a pan-tribal and overarching importance in the Māori world. The following section will introduce *tikanga* and explores its relevance to the discussion of ethics.

TIKANGA

Hirini Moko Mead (1997:12) discusses in detail the many aspects of *tikanga Māori* and provides perhaps the best, all encompassing definition of *tikanga Māori*:

Tikanga is the set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or an individual. These procedures are established by precedents through time, are held to be ritually correct, are validated by usually more than one generation and are always subject to what the group or an individual is able to do.

This definition highlights the influence of the past on the actions Māori perform today and that an individual or group's social, economic and cultural situations are taken into consideration when assessing their participation in *tikanga*. Also, the ritual nature of Māori society is highlighted and that 'correctness' is essential to the execution of *tikanga*. Another definition of *tikanga* presented by Mead (1997:12) is perhaps more applicable to the discussion of ethics:

Tikanga are tools of thought and understanding... They help us differentiate between right and wrong in everything we do and in all of the activities we engage in. There is a right and proper way to conduct one's self.

It is beneficial at this point to break down the word *tikanga*. The most obvious and at the base of all *tikanga* is the principle of *tika*. *Tika* means correct or right. Therefore, all *tikanga* must be correct and right in terms of its practice and its associated belief structure (Mead 1997:25). *Tika* can also go further to mean natural or in its natural state from a tribal perspective (Patterson 1992:102). This highlights the idea that if a ritual or belief is *tika* then it is correct and, therefore, a natural part of the Māori worldview.

Mead (1997:14) discusses the many aspects of *tikanga*. They can be placed into two broad categories; the sets of beliefs and values about *tikanga*; and the practice of

the “idea of *tikanga*”. The sets of beliefs are those that an individual learns over time from research and reading or most importantly from experiencing *tikanga* firsthand. Understanding Māori cultural concepts or values is integral to gaining knowledge of *tikanga* as they play important roles in *tikanga* and the Māori worldview. The practice of *tikanga* is the embodiment of the ideas and values and can be performed by individuals or large groups of people. The ritual aspect associated with the practice of *tikanga* causes concern when a ritual procedure is performed incorrectly, which is believed to procure misfortune upon that person or group associated with the ritual. *Tikanga* also has a pragmatic aspect. This means that a certain *tikanga* can derive from “observations of cause and effect”. Mead (1997:17) uses the example, of women being prohibited from gathering seafood whilst menstruating. The pragmatic aspect of this is that sharks may be attracted to the smell of blood and the woman is, therefore, in danger. The conceptual aspect of this is that blood and a woman when menstruating is *tapu* and the act of gathering food and the water is *noa*, which can decrease *tapu*.

MEAD'S FIVE TESTS

Above, Hirini Moko Mead (1997:335-351) provided us with a developed definition of *tikanga*. In his work ‘*Tikanga Maori: Living by Maori values*’, Mead discusses *tikanga* in relation to ethical practices and creates a *tikanga Māori* framework of assessment to determine a Māori position or viewpoint on a particular issue. The framework has essentially been created to guide people when considering new

ethical issues in modern society, such as genetic modification. There are five tests in Mead's framework, the *tapu* aspect, the *mauri* (life force) aspect, the *take-utu-ea* (cause-reciprocation-balance) test, the precedent aspect, and the principles aspect. The *tapu* test asks whether a *tapu* is breached in relation to the issue that is being considered. If a *tapu* is breached then the act is unethical from a Māori perspective. The *mauri* aspect asks whether the *mauri* is damaged or degraded in anyway. If it has, then it would be viewed as unethical, although Mead (1997:338) concedes that Māori belief systems may need to change to accommodate life-saving technology such as the transfer of animal organs into human patients. The third test is that of *take-utu-ea* which is applied if a breach of *tapu* or *mauri* has occurred. The *take* is the mutual recognition of a breach, the *utu* determines the most appropriate way of repaying or balancing this breach, and *ea* is reaching a state where all sides are satisfied that the breach has been rectified and all relationships have been restored to a neutral state. The precedent aspect relates to the Māori way of seeking guidance from the acts of ancestors. One must investigate to see if there is *whakapapa* that can link the issue or whether there is a model available in the traditions that can guide the decision. The final test is the principles aspects and examines the issue using five core principles in the Māori worldview, these are, *whanaungatanga* (kinship), *manaakitanga* (hospitality), *mana*, *noa*, and *tika*. These concepts embody very important values and focus on caring for people and protecting *mana* (Mead 1997:335-351). Mead suggests that people may like to add more principles to those he has provided for the final test. This demonstrates that the framework caters for tribally specific concepts and worldviews. Mead

(1997:349) insists that the framework must be used only to bring about a Māori perspective on an issue and it is essential that it is based firmly in Māori knowledge.

PERRETT & PATTERSON'S VIRTUE ETHICS

Roy Perrett and John Patterson (1991:185-202) compare Māori ethics to the traditional normative ethic of virtue ethics. They suggest that Māori ethics is not focused on a set of explicit rules, therefore, differentiating it from other normative theories. As discussed previously virtue ethics is an ethic of being, as opposed to action focused ethics. Perrett and Patterson (1991:188), therefore, draw similarities between Māori ethics and Aristolean ethics, stating that a morally good life is associated with being *tika* and naturally fulfilling one's function in society. At the centre of this similarity is the concept of a virtuous person.

Perrett and Paterson (1991:189-190) relate the 'virtuous man' espoused by Aristotle to that of the *rangatira* (chief) in Māori society during the early and mid 19th century. Aristotle describes a 'good man' as possessing all of the desired virtues in society. In his description, it is evident that the virtues relate to a time and place in Greek society and demonstrates elitism, given: "to possess an Aristolean good character, then, you have to be an aristocratic, superbly endowed Greek male" (Perrett & Paterson 1991:189-190).

In Māori society during the early 19th century, the *rangatira* was required to possess particular virtues or characteristics known as *pū manawa* (natural talents). However, most importantly in traditional Māori society a leader had to come from chiefly birth lines and, therefore, possess chiefly *whakapapa* and *mana* (Mead 1997:197). Lists of natural talents or virtues were compiled from two chiefs, Wiremu Maihi Te Rangikāheke of Ngāti Kererū and Rua Tikitū of Ngāti Awa (Ka'ai & Reilly 2004:91). Te Rangikāheke's list, like Aristotle's, reflects a leader required for a particular time in Māori society. It describes six talents, knowledge of food acquisition and production, knowledge of construction of houses, canoes, store-houses and cooking sheds, knowledge of warfare, hosting of guests, facilitating meetings, and caring for people. This list was given in 1850, before the Land Wars but after the raids of Ngā Puhī on the East Coast of New Zealand and, consequently, emphasises the need for knowledge of warfare (Mead 1997:199). It is also important to note the talents required by a leader had to also benefit the collective group, the *hapū*. Ultimately, the *rangatira* was responsible to their kin group and, therefore, the importance of knowledge of economy and survival were paramount.

Tikitū's list includes the characteristics presented in Te Rangikāheke's, however he adds knowledge of tribal boundaries and the mediation of disputes to the required list of talents. This list was collected after the New Zealand Land Wars and reflects a time when disputes over land ownership were emerging and the need for leaders to represent their kinship groups in the Māori Land Court became important to the group's survival (Mead 1997:198). Both of these lists assume that the leader was a

male, yet , there is evidence to show that women were also considered leaders and required the same talents as men (Mead 1997:200). Many similarities can be drawn between Aristotle's 'virtuous man' and the Māori *rangatira* of this period, such as the emphasis on honour or *mana*, bravery in battle, compassion and reciprocation of good and bad debts.

Perret and Patterson (1991:192) include *tapu* in their comparison of virtue and Māori ethics. This posed a problem as *tapu* can be viewed as a system of rules rather than a virtue. To counter this, Perret and Patterson (1991:193) discuss *tapu* in relation to the concept of *mana*. They assert that *mana* can be viewed as a virtue, similar to that of pride. They claim, therefore, that "as *tapu* is conceptually parasitic upon *mana*" (Perret & Patterson 1991:193) they can maintain their hypothesis that Māori ethics is not subject to explicit rules, as *tapu*, by its association to *mana*, is a virtue.

HENARE'S KORU OF ETHICS

Manuka Henare (2001:197) sums up Māori philosophy in two words, "humanism and reciprocity". Henare (2001:201) places the accounts of creation as the foundation of Māori philosophy and believes they are the bases for the Māori philosophy of vitalism, that is, where all things (whether animate or inanimate) have a life, a *mauri*. He states that these foundations are linked to the "material, oral and psychological aspects of the culture" that developed over time and observed in

songs, rituals and the arts. Henare (2001:198) describes the use of the *koru* (coil, spiral) symbol by Māori artists as a representation of the cosmos process, swirling “into and out of a primal centre”. From this form, Henare (1998 cited in Fitzgerald 2003:440) created a ‘Koru of Māori Ethics’ that underpinned Māori philosophies, leadership and research.

There are five Māori beliefs at the centre of the *koru*, *Io* (Supreme Being), *tapu*, *mana*, *mauri*, and *hau* (spirit power). These five beliefs emphasise the close relationship to the spiritual world, and the vitality and reciprocity that Henare used to describe Māori philosophy (Fitzgerald 2003:440). From these central beliefs come four predominant ethics that are at the core of *tikanga Māori*, *whanaungatanga*, *wairuatanga* (spirituality), *kotahitanga* (unity), and *kaitiakitanga* (guardianship) (Fitzgerald 2003:440). *Whanaungatanga* is the ethic of belonging and reverence for humankind. It stresses the bonds of *whakapapa* and the importance *whakapapa* has in establishing rights and status. It also highlights the collective nature of Māori society based on tribal ancestry. *Wairuatanga* expresses the relationship of humankind to the *atua* and the importance this relationship plays in the morality of decisions by drawing from precedents set by the *atua*. *Kotahitanga* recognises the interdependence of humankind and the connection with all that people do. The final ethic of *kaitiakitanga* encompasses the concept that Māori and all of creation are connected through *whakapapa* and that humankind has a moral obligation to care for all people and all resources of creation (Henry & Pene 2001:237, Fitzgerald 2003:440, Henare 2001: 223).

Koru of Maori Ethics



FIGURE 2: KORU OF ETHICS (FITZGERALD 2003:440)

Henare (1998:7) states that the 'Koru of Māori Ethics' identifies "an economy of affection and the utilisation of resources that aims to provide for the people in Māori kinship systems". This final statement highlights the desire to care for all natural resources and recognizes the benefit they provide to the collective. Māori 'self' is defined by the well-being and connection to a larger group, the *iwi* and the *hapū* and, therefore, the ethic of Māori, according to Henare, is the maintenance of these groups.

MARSDEN'S ETHIC OF KAITIAKITANGA

Māori Marsden also describes an ethic of *kaitiakitanga*. In his work “Kaitiakitanga: A definitive introduction to the holistic worldview of Māori” (2003:54-72), Marsden explores the concept of *kaitiakitanga* and its use in the *Resource Management Act 1991*. He uses this concept to form a framework of understanding regarding Māori belief systems and ultimately an ethic of guardianship and care. Just as Mead described the use of precedents found in Māori history, or myth and legend, Marsden also states that the myths and legends form the central system of the Māori worldview, from which stems the Māori value system (Marsden 2003:56).

Marsden (2003:66) defines *tikanga* as “method, plan, reason, custom, the right way of doing things”. He also goes on to define a new concept to this discussion, *kaupapa*. He defines *kaupapa* as being “ground rules, first principles, general principles” (Marsden 2003:66). He states that *tikanga* and *kaupapa* are interconnected concepts and are used when contemplating a new project or situation. First, myths and legends would be explored to provide the ‘first’ principles or original *kaupapa* that should guide the process. The methods that may have been used, and, therefore, the precedents set by the *tipuna* will be recommended for the event. Finally, all alternative options will be discussed and then the course of action, or *tikanga*, will be decided and adopted for the project to proceed (Marsden 2003:66). Marsden (2003:66) states that some of these first principles may be so ingrained into the culture that the group may decide not to look to the original *kaupapa*, instead using already maintained customs.

These *tikanga* are accepted as proven methods and have become integrated and incorporated into the belief and value systems (Marsden 2003:66). They have become natural and correct. *Kaitiakitanga* looks to the first principles for the foundation of its ethic, exploring themes such as Papatuanuku as earth mother and provider of all life.

Tikanga are formed such as *rāhui*, which is a system of prohibitions banning the use of resources for a range of reasons but ultimately to preserve and maintain well-being of the people and the resource. *Kawa*, or ritual action, is necessary for these *tapu rāhui* to be effected. If there is any waver from the strict order of the ritual, for example, a missed line in a chant or a break in rhythm, would be a bad omen for the *rāhui* (Marsden 2003:70). What Marsden has described in terms of ethics, is how to create a framework, using core concepts and 'first' principles to guide a new set of *tikanga*. While, *kaitiakitanga* is central to his discussion, different situations may call for different concepts to be used.

RANGIHAU'S MODEL OF MĀORITANGA

The late John Rangihau, placed the concept of *aroha* (love) around the central theme of Māoritanga in his framework of Māori values and beliefs. *Aroha* is the 'love for kin' and implies not only feelings of affection but also those feelings inacted, as noted by Metge (1987:66). Cleve Barlow (1994:8) writes that *aroha* "in a person is an all-encompassing quality of goodness" and is expressed to all aspects of the world, from land to fish and all living things. He goes further to state that acts of *aroha* give "quality and meaning to life" (Barlow 1987:66). *Aroha* can be seen in actions of *awhina* and *manaaki*. *Awhina* is a more tangible form of *aroha* and is seen in the giving of support to another, whether it is financial and/or physical. *Manaaki* is "caring' in the fullest possible sense" (Metge 1987:67), providing moral support

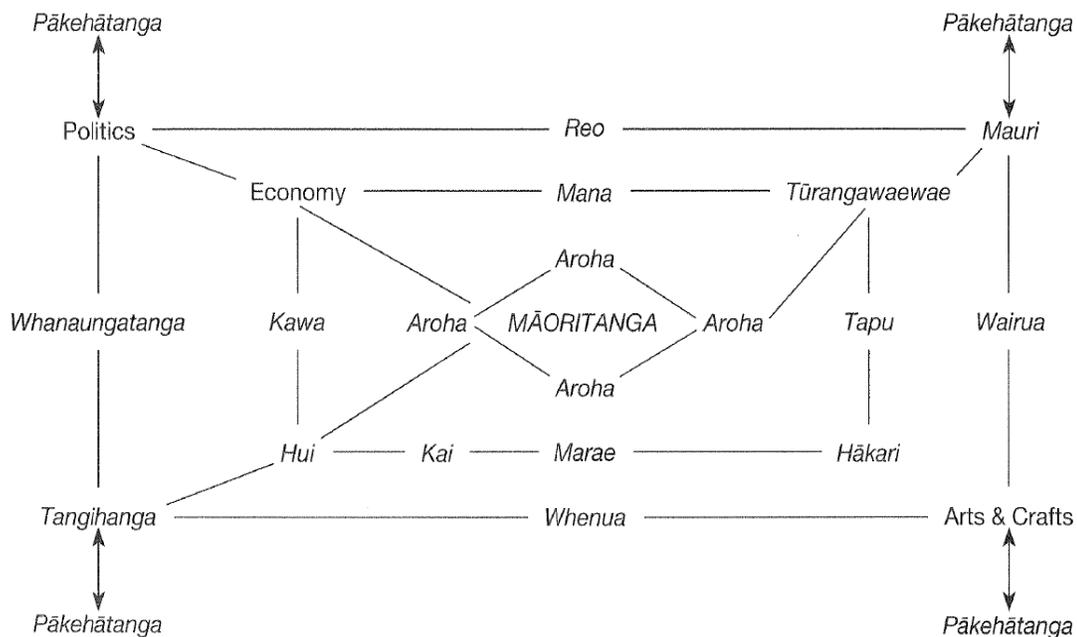


FIGURE 3: RANGIHAU MODEL (KA'AI & HIGGINS 2004:16)

and also practical help. Ka'ai and Higgins (2004:17) assume *aroha* is the core social concept of contemporary Māori society and as it flanks the central concept of Māoritanga.

Rangihau (cited in Ka'ai & Higgins 2004:2) uses interlinking concepts to create his framework, highlighting the interconnectedness of the Māori worldview. Uniquely, Rangihau's model of Māoritanga is linked to Pākehātanga, or the non-Māori New Zealand culture. Rangihau identifies the link between these two cultures, due to the process of colonisation, acculturation and intermarriage. He demonstrates that the Pākehā culture has influenced aspects of the Māori world, just as the Māori culture has influenced aspects of Pākehā culture. Ka'ai and Higgins (2004:2) suggest this "articulates a bi-cultural worldview, reflective of an ideal New Zealand society".

JACKSON AND JUSTICE

Moana Jackson (1992:1-10) presents an important discussion about Māori philosophy and the impact of colonisation. Jackson (1992:1) describes the colonisation of Māori philosophy as being unacknowledged due to the subtle and intangible nature of its existence. The most obvious acts of colonisation such as land confiscation, the spread of foreign disease and the unjust imprisonment of 'rebel' Māori, are recognised and declared as being wrong, however the denial and dismissal of Māori forms of knowledge, law and religions are not so widely denounced.

Jackson (1997:5) discusses Māori philosophy of law, or as he translates it *te maramatanga o ngā tikanga*:

...it was handed down through the precedent and practice of ancestors. Like an intricate tāniko pattern, it was interwoven with the reality of kinship relations and ideal balance for those within such relationships. It provided sanctions against the commission of hara or wrongs which upset that balance, and it established rules for negotiation and agreement between whānau, hapū, and iwi. It formulated a clear set of rights which individuals could exercise in the context of their responsibility to the collective. It also laid down clear procedures for the mediation of disputes and for the adaptation to new and different circumstances.

Here he highlights the nature of Māori justice as a process of negotiation between collective groups rather than the typical adversarial justice seen in many Western systems. In general, Western systems of justice are based upon the rights of the individual, whereas in Māori systems of justice the collective is at the fore. That is, the primary interest in Māori systems of justice is the restoration of justice and balance for the collective. Māori society uses the rules of *murū* (redistribution of wealth as compensation), *utu*, and *tapu* when making decisions about justice.

KAUPAPA MĀORI THEORY

To finish this section, Kaupapa Māori theory will be discussed. Kaupapa Māori theory has been a common theme in New Zealand academia over the last three decades since its introduction in discussions surrounding education. Most recently, the concept of Kaupapa Māori, has informed research practitioners as to best practice methods for researching Māori issues and working with Māori communities, through the work of Linda Tuhiwai Smith and others. The term

'Kaupapa Māori', first appeared in light of the introduction of Taha Māori (aspects of Māori culture) into the New Zealand education system in the 1980s, however *kaupapa*, as previously discussed by Marsden (2003), has been present in Māori society for hundreds of years (Pihama, Cram & Walker 2002:31-33). Central to most discussions of Kaupapa Māori theory is the work of Linda and Graham Smith and in particular their work with education and research. Graham Smith (1997) writes in his doctoral thesis, that Kaupapa Māori is used to describe the Māori practice and philosophy of living. He applies Kaupapa Māori to education and states it is founded on three key themes. First, the validity and legitimacy of Māori are taken for granted, next the survival and revival of Māori language and culture is paramount and finally, the struggle for autonomy over Māori cultural well-being and lives is vital to the Māori post-colonial struggle. Kaupapa Māori "has emerged as a contemporary discourse and reality, as a theory and praxis directly from lived realities and experiences" (Pihama, Cram & Walker 2003:32). While Kaupapa Māori is classed as a theory, it is also an ethic of change and transformation rooted in Māori beliefs, because it is Māori initiated, defined and controlled. The rightness of actions is determined by fulfillment of certain principles and themes and the improvement of Māori circumstance in post-colonial New Zealand.

While Perrett and Paterson (1991) have tentatively framed Māori ethics within a Western framework, Henare (2001) created an ethical framework using a Māori organic symbol at its centre, Jackson (1992) framed Māori ethics in opposition to the Western ethic of justice, academics such as Linda Smith (1999) created an ethic

for researchers engaging in the Māori world, Mead (2003) created a series of tests based on Māori principles to determine a Māori ethical perspective for new issues and, Rangihau (cited in Ka'ai & Higgins 2004) developed a model that encompassed a modern Māori ethic and belief structure. At the core of all these ethical theories are Māori principles and beliefs. Undoubtedly, colonisation has had major impact on the beliefs, values and experiences of the Māori people and the culture at large. The Treaty of Waitangi, as the founding document of Māori and Pākehā relations, influences New Zealand to such a large extent that the following discussion will explore the ethical implications of this document.

TREATY OF WAITANGI AS A SOCIAL CONTRACT

The Treaty of Waitangi was first signed by *rangatira* and members representing the Crown on the 6th of February 1840. While this thesis does not endeavour to outline New Zealand's political history in regards to the Treaty of Waitangi, it is important to briefly discuss the contents of the Treaty, the Waitangi Tribunal, and the impact they have on considerations of ethics and morality in New Zealand.

Here, the Māori version of the Treaty of Waitangi will be used to provide an understanding of the commitments, as it has been recognized that the Treaty written in the indigenous language has standing under international law. The Preamble of the Treaty affirms the chieftainship of Māori and their land, while also expressing the role of the government being formed under the sovereignty of

Queen Victoria of Britain. The first article reiterates this with the chiefs ceding governorship to the Crown. The second article affirms the collective right of Māori to manage their lands and resources. Also, the term '*taonga*' (precious possession) was used to encapsulate all cultural and material aspects of the Māori world. In the final article, the Queen gives her protection to Māori and also gives them equal rights and privileges as other British subjects (Hayward 2004:157-159). There has been much debate and contention over the various translations of words and intentions of the Treaty, however by using only the Māori version we are able to clearly see the rights and obligations set forth.

More often than not in contemporary society, when the Treaty of Waitangi is discussed in relation to ethics, it is in regards to the concept of justice. This is undoubtedly due to the subsequent breaches of the Treaty of Waitangi by the Crown after it's signing. Land confiscations and several government policies which inhibited the use of cultural aspects such as *tikanga* and language are just some examples of these breaches. Modern New Zealand society has since been dealing with these breaches through a reconciliation process which has seen Māori seeking justice for the breaches of the Treaty and the Crown providing compensation, financially and through the return of assets to *iwi* ownership. While justice is certainly an aspect of Treaty of Waitangi discussions, it cannot be the only moral perspective.

Andrew Sharp (1997) discusses the Treaty of Waitangi in regard to justice and asserts that it is too restrictive. Justice, or at least the Western system of justice is “too straight forward and uncompromising when things are complicated” and “concentrates too much on the distribution of what there is rather than on enjoyment of production, or trying to produce more” (Sharp 1997:164). The Treaty of Waitangi must extend beyond the restrictions of justice (particularly reparations justice) and explores its application in other ways, an assessment that is shared by the Waitangi Tribunal. This thesis chooses to explore the Treaty of Waitangi from a social contract perspective and as foundation for a bi-cultural framework of ethics.

The Treaty of Waitangi has been defined by the Waitangi Tribunal⁶ (1987:149) as

more than an affirmation of rights. It was not intended merely to fossilize the status quo but to provide a direction for future growth and development. It is not intended as a finite contract but as a foundation for a developing social contract

At the core of this social contract are principles by which the Crown follows when dealing with Treaty issues and the relationship between Māori and the Crown.

Janine Hayward, in the Appendix of the *National Overview Volume II Report*, provides a review of the principles of the Treaty of Waitangi. Hayward explores the

⁶ The Waitangi Tribunal was established under the *Treaty of Waitangi Act 1975*. It is a permanent commission of inquiry with 20 members that are selected by the Governor-General of New Zealand. The Tribunal is charged with making recommendations to the Crown upon claims brought to the Tribunal by Māori. These claims centre around perceived breaches of the promises of the Treaty of Waitangi (Waitangi Tribunal 2010). The Tribunal hears claims on *marae* or wherever the claimants wish their claims to be heard, in the medium of English and Māori. This highlights a more Māori-centred approach to the claims process. The Tribunal then publishes the findings and recommendations of the claims process in reports, as of March 2009, over 100 reports of this nature had been published (Waitangi Tribunal 2010). These reports have provided a wealth of information and ultimately an understanding of the ethical implications of the Treaty of Waitangi

principles as they have emerged in the New Zealand courts, their expression in Tribunal reports and finally, the statements about Treaty principles outlined by the New Zealand Government (Hayward 1997:475-494).

In 1989, the sitting Labour government announced the five principles that would guide their relationship with Treaty issues (Hayward 1997:493). The first principle is the principle of government or the *kawanatanga* principle. This principle highlights the positive right of the New Zealand government to govern and make laws. The second principle is *rangatiratanga* or the self-management principle. Here the emphasis is on the positive right for Māori to manage their own affairs as *iwi* or other collective groups, as expressed in Article 2. Another element of this principle is the active protection of *taonga*, material and cultural, by the Crown. Equality is the focus of the third principle. As expressed in Article 3, Māori are to be treated as equal citizens to all other New Zealand citizens. Including, being able to enjoy the social benefits of citizenship, whilst recognising that special measures may be required to attain an equal level of enjoyment. The fourth principle is understood as the reasonable co-operation principle. Here the bi-cultural nature of the Treaty relationship is emphasised, alongside duality and unity. Duality expresses the need for distinctive cultural development and unity, the common community and purpose. These are rights of both Treaty parties and highlights partnership. The final principle is the duty of redress and enquiry by the Crown. Reconciliation of past injustices is recognised as necessary to the future

development of Māori and New Zealand. The Crown must ensure that grievances are heard, and where practicable compensate (Hayward 1997:493-494).

The Treaty of Waitangi, within the written document has several binding rights and duties however, the principles outlined above have emerged as a result of the Tribunal process and are part of the social contract governing the Treaty partners. There is an understanding that protection, partnership, and redress are necessary aspects of the governance of New Zealand and decisions about the development and direction of New Zealand must be made based upon these principles. Therefore, any ethical framework that is to be established and function in New Zealand, not just in the Māori world, must be one founded in a bi-cultural perspective and imbued with *tikanga* and moral philosophy.

It is clear that Māori have a unique set of ethics and the New Zealand context itself has the added influence of the Treaty of Waitangi. It has been clearly stated in previous chapters that understanding the culture and ultimately the ethical theory of culture will help determine the 'right' course of action. The following chapter will explore the New Zealand Advertising Standards Authority and the role this institution plays in the governance of ethical behavior of advertisers in New Zealand. It will critique case studies of decisions and ethical codes and principles to determine the protection of Māori and ethnic minority consumer interests.

CHAPTER FOUR: ADVERTISING STANDARDS AUTHORITY

This thesis aims to explore ethical marketing and advertising practices that specifically protect Māori. The aim of this chapter is to ascertain the current structures, ethics and attitudes apparent in relation to advertising regulation. This will be achieved by introducing literature on the practice of self-regulation in advertising and the major issues found in these institutions. The New Zealand context will then be discussed with a critique of New Zealand's self-regulatory advertising institution. The ethics at the foundation of this institution will be explored and critiqued as to their ability to protect minority consumers and ultimately Māori. Case studies of advertising complaints will also be explored. Two of the case studies are advertising complaints made about television commercials (TVC) where race was a distinguishing feature. The last case study will focus on a billboard advertisement that used the Māori language. The aim of the case studies is to explore the rationale of the ASCB when making decisions in regards to complaints, particularly focusing on issues that may affect Māori.

ADVERTISING REGULATORY STRUCTURES

The regulation of advertising in most developed countries is by way of a self-regulatory institution. This means that the industry is responsible for controlling their members' behavior in regards to acceptable advertising (Harker 1998:101). Debra Harker (1998:101) highlights two streams of research in regards to self-regulatory advertising systems; the descriptive and

prescriptive. The descriptive area of research focuses on various schemes and how they function, while the prescriptive area of research provides guides for these institutions and advertisers to develop more effective self-regulatory systems. The following section will introduce the descriptive area of research, particularly the criticisms and issues surrounding self-regulatory institutions. Prescriptive research will also be introduced, highlighting solutions and guides for effective advertising regulation. While there are different approaches and focuses to the literature surrounding advertising self-regulation, always at the core of the research is the need to provide protection for consumers and competitors against unacceptable advertising.

Priscilla LaBarbera (1980:27-38) discusses the positive aspects of self-regulation. She states (1980:27) that self-regulation has the ability to improve the effectiveness of advertising. Consumers give more credibility to advertising if the advertiser promotes themselves as adhering to regulation guidelines. If consumers trust an advertiser, they are more likely to purchase the product. Therefore, self-regulation provides that element of trust and credibility. Essentially, if the self-regulation is effective then it increases the selling power of advertising (LaBarbera 1980:28). Successful self-regulation can improve the public image of advertising, minimise government regulation and control the accuracy of advertising, ultimately protecting the consumer and enhancing the industry (LaBarbera 1980:34).

Jean Boddewyn (1989:23) suggests that people should view self-regulation, not solely as a forum for consumer-redress, but as a mechanism to improve the standards of advertising practitioners. Thus, advertising regulation systems (ARS) should be primarily concerned with industry-wide improvement rather than a “systematic invitation, collection and handling of complaints”. According to Boddewyn (1989:24), “the true purpose of advertising self-regulation is more moral and ethical than disciplinary”. In Boddewyn’s article “Advertising self-regulation: True purpose and limits” (1989:24), she uses an extract from Confucius’ Analects to describe this perspective of advertising self-regulation:

Lead the people with governmental measures and regulate them by law and punishment, and they will avoid wrongdoing but have no sense of honor or shame. Lead them by virtue and regulate them by the rules of propriety, and they will have a sense of shame, and moreover, set themselves right.

There are four dominant criticisms of ARS’s. The first is that relative to the number of advertisements in society, there are few cases handled by the ARS, therefore, the true extent of failings in advertising is not known. Secondly, very little publicity is given to ARS standards and decisions in most countries. Moreover, given the dynamic nature of the advertising industry, many ARS decisions become obsolete due to the discontinuation of the advertisement in question. The final criticism is that the ARS penalties are mild and are not enough of a deterrent for advertisers (Boddewyn 1989:23).

LaBarbera (1980) conducted a study of 22 industry groups in the United States that had an advertising self-regulatory program in place. LaBarbera (1980:32) states that there are five activities crucial for effective advertising regulation: “(1) creation of a written code, (2) complaint acceptance, (3) code enforcement,

(4) audit of the self-regulation program, and (5) creation of public awareness". LaBarbera (1980:38) goes on to state that none of the industry groups researched used all five activities for self-regulatory effectiveness and no one program could therefore, be used as a model of effective advertising self-regulation.

Thirteen suggestions are provided for improving self-regulatory effectiveness. All of the recommendations involve a high level of public involvement. The first five relate to the creation of the written code. In summary, LaBarbera (1980:32-33) states that the codes must be written with the input of the public and legal experts, they must be explicitly written without vague generalities and ambiguous goals and finally the public should be fully aware of the codes and the procedures in place. The following six recommendations are related to the enforcement of the codes, the procedures surrounding enforcement and the penalties imposed. Essentially, LaBarbera (1980:33-34) suggests that there must be constant monitoring of advertising, penalties must be sufficient deterrents, and the procedure clear and fair for all concerned, including an appeals process. The twelfth suggestion from LaBarbera (1980:34) is that the program should be reviewed periodically to determine the program's effectiveness and identify any areas of concern and weakness'. The final suggestion is similar in that LaBarbera (1980:34) states that the codes of ethics must be reviewed periodically to keep them relevant and practical.

Harker (1998:102-103) conceptualises the self-regulatory institution as only one independent variable in her framework for acceptable advertising. The other three independent variables are the legal regulatory framework, industry compliance and prevailing community standards. With these four variables combined, the dependent variable of advertising is conceived to be acceptable. Harker (1998:102-103) believes that a sound and complementary legal framework is fundamental to the development of an advertising regulatory system. Industry compliance is obviously important, as without this the program of self-regulation would be considered “impotent”. Harker (1998:104) believes this can be achieved with harsh penalties for non-compliance. The final variable is the concept of prevailing community standards. This is usually understood by including the public in decision making processes and also by the receipt of complaints from the public. Harker (1998:104) does go further to state that there needs to be more creativity and research in determining prevailing community standards. Across five ARS systems she had researched, none demonstrated an effective way of determining prevailing community standards, other than including members of the public in the ARS.

Public involvement, as demonstrated by LaBarbera (1980) and Harker (1998), is undoubtedly essential to effective self-regulation. As Harker (1998:104) noted, the most common form of public involvement in advertising self-regulation is by including members of the public on complaints boards. However, these members are described by Boddewyn (1983:83) as “‘not ordinary people’ – but rather of ‘the great and the good’”, that is, better

educated and better-known people, typically a member of the “Establishment”. Harker (1998:104) questions this apparent selection of public members. She asks whether these elite members of society can appropriately represent the views and opinions of the community, questioning whether they are offended in the same way that “other” members of the community are offended, and, can they be “hoodwinked” by misleading advertising just as easily as “ordinary people” (Harker 1998:104). For minority groups, ‘great and good’ members of society are few within the elite social grouping, due partly to the small population of the group and most often due to the links between power and social status often lacking in minority groups.

NEW ZEALAND ADVERTISING STANDARDS AUTHORITY

The New Zealand Advertising Standards Authority (ASA) is the self-regulatory institution that administers the Codes of Practice for advertising practitioners. Established in 1973, the authority is relatively young compared to other bodies internationally. They regulate advertising content from all forms of media, such as television, radio and print at a national level. The Advertising Standards Complaints Board (ASCB), established in 1983, is an independent board that hears complaints from the public about any advertising believed to be in breach of the Codes of Practice. The board also advises the ASA as to any improvements they feel should be made to the Codes of Practice and report on any aspect of advertising that is causing concern. Public representation on the ASA is an equal split with eight members in total. The four public representatives, including the

Chairman, have no connection to the advertising or media sectors. Currently, there is one representative that identifies as Māori who is also the Deputy Chairman. The ASCB has three members, two public representatives and one industry representative. There is also one public alternate member and one industry alternate member, should the others be unavailable. Currently, the public alternate member identifies as Māori (ASA n.d. a.).

Through three cases studies, the following critique will explore issues surrounding self-regulation and the process of dealing with complaints within a New Zealand context. The Codes of Practice will be critiqued insofar as to whether they are capable of protecting Māori and through the lens of Māori ethics.

CODES OF PRACTICE

There are thirteen different codes in the ASA Codes of Practice of New Zealand and each of the codes has a range of basic principles and rules (ASA 2008a). The 'Advertising Code of Ethics' is an overarching code that governs all advertising, irrespective of the product or service being promoted or the group being targeted. This code has five basic principles and twelve rules. There are codes that are specific to the types of products being advertised, such as food, therapeutic products or service and, vehicles. Products such as, financial services and products and, gaming and gambling products, have separate codes which also highlight the specific pieces of legislation that govern these products. There is a code that is specifically aimed at protecting children, which are

viewed as a vulnerable group in society. There is also a code aimed at protecting people 'in' advertising (ASA 2008a).

These codes essentially represent various sectors of the business world that require regulation, such as weight management and vehicles. The codes that are most relevant to the discussion of advertising to Māori are the 'Advertising Code of Ethics' and 'Code for People in Advertising', as they are more relevant to the representation and protection of people and their interests. These codes and their principles will be discussed in depth with a focus as to the level of protection for Māori and their interests.

ADVERTISING CODE OF ETHICS

This code is a broad set of ethics that applies to all forms of advertising and for any type of product or service. There are a range of themes and issues throughout this code. A significant theme is the protection of consumers from misleading advertising and, therefore, the protection of business in the name of 'fair competition'. This theme relates directly to adherence to New Zealand law for example the *Consumer Guarantees Act 1993* and the *Fair Trading Act 1986*. There are five basic principles and twelve rules (for full code: see Appendix 1). The five basic principles are similar to the four basic guiding principles used in marketing reported in Chapter Two. They relate to adhering to the laws in New Zealand which reflects the work of Harker (1998:103) who asserts that self-regulation should complement and be supported by a strong legal framework. Advertisers should not harm the public with misleading and deceptive

advertising and, therefore, impair public confidence in advertising. Social responsibility and free and fair competition are also part of these guiding principles.

The rules most relevant to Māori are those that relate to truthful representation, decency, and offensiveness. The code states that any statement or visual representation made in an advertisement should not be misleading, deceptive, makes false and misleading representations or abuse the trust of the consumer and exploit their lack of knowledge or expertise. Obvious hyperboles are acceptable (ASA 2008a:17). This rule seems to be more related to the representation of products, although this is not specified and therefore, could be related to the representation of people also. An important aspect of this rule is the awareness of those consumers that may lack the knowledge and therefore, skills to make informed decisions and those advertisers should not exploit this. This relates to 'vulnerable' members of society that, as explained in the previous chapter, can be susceptible to harm. Māori, due to being over-represented in lower socio-economic statistics, can be considered a vulnerable group.

One of the biggest issues within this code surrounds the phrase 'generally prevailing community standards' in regards to offensiveness and decency. The Advertising Standards Bureau of Australia released world-first research in December 2007, which determined if the Bureau's decisions were in line with generally prevailing community standards. The research found the Bureau was in line with the Australian community standards regarding violence, use of

language and health and safety. However, the Bureau was out of step with the community in regards to advertisements that portray sex, sexuality and nudity. It appeared the community was more conservative than expected by the Bureau (Advertising Standards 2007). The Bureau used focus groups and online surveys with participants selected based on gender and age using the *Australian Census 2006*. Ethnicity was not a selection criterion (Advertising Standards Bureau 2007). This groundbreaking research clearly demonstrates the need for advertising standards authorities to conduct extensive research in this area and to go beyond simply including the 'great and good' members in the decision making process.

Yet, even within this research it is unclear as to the 'community' that is being researched and, thus, which standards are being considered. Clearly, the above research only considered age and gender as population variables that would impact upon standards. As a consequence, it remains unclear whether other population variables, such as ethnicity and culture, impact upon the acceptable standards of advertising. This, therefore, highlights a skewed response towards the 'majority community' and leads to concerns for those minority communities whose standards and concerns may be left unheard. For instance, where racialised depictions are apparent, no research has been conducted to assess whether the standards accepted by various advertising regulatory boards differ to minority ethnic groups. It is a fair statement to suggest that what offends a minority community, for example Māori, may not offend New Zealand's 'majority community'.

CODE FOR PEOPLE IN ADVERTISING

This code relates specifically to the use of people in advertising and is aimed at protecting the consumer public from offensive and indecent advertising. There are six basic principles to this code (for full code: see Appendix 1). The code begins by drawing specific attention to the *Human Rights Act 1993* and the *New Zealand Bill of Rights 1990*, as these pieces of legislation complement this particular code (ASA 2008a:39). Most relevant to this discussion are Sections 61: 'Racial Disharmony' and 63/1: 'Racial Harassment', under Part 2 of the *Human Rights Act 1993* (Ministry of Justice 1993):

Racial disharmony

(1) It shall be unlawful for any person—

(a) To publish or distribute written matter which is threatening, abusive, or insulting, or to broadcast by means of radio or television words which are threatening, abusive, or insulting; or

(b) To use in any public place as defined in section 2(1) of the Summary Offences Act 1981, or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive, or insulting; or

(c) To use in any place words which are threatening, abusive, or insulting if the person using the words knew or ought to have known that the words were reasonably likely to be published in a newspaper, magazine, or periodical or broadcast by means of radio or television,—

being matter or words likely to excite hostility against or bring into contempt any group of persons in or who may be coming to New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons.

(2) It shall not be a breach of subsection (1) of this section to publish in a newspaper, magazine, or periodical or broadcast by means of radio or television a report relating to the publication or distribution of matter by any person or the broadcast or use of words by any person, if the report of the matter or words accurately conveys the intention of the person who published or distributed the matter or broadcast or used the words.

(3) For the purposes of this section,

Newspaper means a paper containing public news or observations on public news, or consisting wholly or mainly of advertisements, being a newspaper that is published periodically at intervals not exceeding 3 months

Publishes or **distributes** means publishes or distributes to the public at large or to any member or members of the public

Written matter includes any writing, sign, visible representation, or sound recording.

Racial harassment

(1) It shall be unlawful for any person to use language (whether written or spoken), or visual material, or physical behaviour that—

- (a) Expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and
- (b) Is hurtful or offensive to that other person (whether or not that is conveyed to the first-mentioned person); and
- (c) Is either repeated, or of such a significant nature, that it has a detrimental effect on that other person in respect of any of the areas to which this subsection is applied by subsection (2) of this section.

These sections highlight that it is unlawful to use written, verbal or visual material that may be viewed as offensive or hurtful to “that other person”. Although the ASA ‘Code for People in Advertising’ is based, in part, on this piece of legislation, it is important to point out that the ASA has some significant caveats to their mandate. Specifically, the ASA fashions their regulations around ‘community standards’, arguing that for a breach to occur there must be a widespread or serious feeling of hurt within the community, whereas under the *Human Rights Act 1993* if offense is taken by one person then it is deemed unlawful. If the ASA was to work within the bounds of the legislation that supports the self-regulatory structure, aspects of the codes would in effect become redundant, in particular the clauses that relate to ‘widespread’ offence.

Sections 19 and 20 of the *New Zealand Bill of Rights 1990* are most relevant to this discussion. Section 19 cites the *Human Rights Act 1993* as the foundation for ‘Freedom from Discrimination’. Section 20 relates directly to the rights of minorities (Ministry of Justice 1990):

Rights of minorities

A person who belongs to an ethnic, religious, or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language, of that minority.

This section states that minorities have the right to “enjoy” the culture, religion and language of that minority group. It is fair to suggest that offensive behavior towards a minority culture, religion or language would be deemed a breach of these rights, as a minority person could not freely “enjoy” any of these aspects had they been ridiculed, offended or humiliated.

The ASA ‘Code for People in Advertising’, on the other hand, states that people should not be portrayed in a manner that is likely to cause serious or widespread offence, particularly on the grounds of race, colour, ethnic or national origin. Again, this code uses the legal terms of “generally prevailing community standards” and “serious and widespread offence”. Moreover, the use of stereotypes is approved by this code to simplify communication. However, they should not be used in a manner that is likely to offend, abuse, or ridicule the character and behaviour of groups of people within society. Humour and satirical treatment of groups within society is deemed to be acceptable (ASA 2008a:39).

As indicated above, while this code cites the *Human Rights Act 1993* and the *New Zealand Bill of Rights Act 1990* as the grounding legislation of the code, it appears to provide basic principles which contradict these Acts. This is apparent in the use of the terms “serious and widespread offence” and “prevailing community standards”. The Acts state that if the “person” is offended then it is unlawful, however the code suggests it must be more than one person and requires a judgment be made as to the seriousness and widespread nature of

the offence. Again, there is very little to protect minority groups as it is the unspecified 'community' that need be affected by any advertising, as opposed to the minority group or individual who may take substantial offence to an advertisement.

THE COMPLAINTS PROCESS IN AOTEAROA

According to the ASA there are seven steps in the complaints process. The complainant must submit a complaint in writing (by letter or via the online complaints form) to the Secretary of the Advertising Complaints Board. The complaint must be dated and signed by the complainant. If the complaint is about a print advertisement, the advertisement should be included, and if the complaint is of a radio or television advertisement, the date, time and station of broadcast should be included (ASA 2008b:5).

The Chairperson of the Board will then determine whether the complaint is suitable for consideration and within the jurisdiction of the Board. If it is, the complaint is then sent to all parties involved in the case for opinions and comments. If not, all parties are notified and a formal written decision is distributed to all parties and also the media. These complaints are then labeled as 'No Grounds to Proceed'. If the complaint is accepted, it then proceeds to a meeting with the ASCB where they determine if any of the Codes of Practice have been breached. All parties are then informed in writing as to the decision made by the ASCB. In lodging a complaint with the ASA the complainant must

agree not to “pursue the complaint in any other forum” (ASA 2008b:5) and must sign a waiver form that outlines their commitment to this.

In critiquing this process there are range of issues that need to be addressed, which point to the process being fundamentally flawed, especially from the perspective of minority groups. Firstly, the vetting of complaints, Harker (2004:70-72) explored the Australian Advertising Standards Bureau and found that the screening process was used for three reasons. Officially, the first was to determine that there was a prima-facie case to be answered by the advertiser and, secondly, to determine whether the complaint fell within the bounds of the organizations authority. The third, unofficial reason was to “filter out ‘trivial’, ‘frivolous’ or ‘minor’ complaints that were deemed unworthy of Council deliberation time” (Harker 2004:7). Significantly, in the New Zealand case, the initial screening is undertaken by only one person (i.e., the Chairperson), meaning the process from the outset is highly subjective (ASA n.d c.). This will invariably impact on minority consumers, for example, if the Chairperson fails to understand the perspectives and ethical issues related to a particular minority culture.

Secondly, the process seems to abet the industry in that the complainant is not made aware of the ability to provide additional evidence such as research or commentary to support their complaint. Advertisers, however, have the capability and resources available to do so, and most would understand the

imperative to do so. This suggests that consumers are at a disadvantage when it comes to submitting their complaints.

Thirdly, and in specific reference to minority consumers, the industry is typically in far better position to promote their position. Minority groups, such as Māori, are over-represented in the lower socio-economic strata of society. Therefore, minority groups often lack resources and education, which will influence their ability to fully commit to the complaints process. In some cases, language barriers may also impact on their ability to submit effective complaints. This means that there are undoubtedly power inequity issues in the complaints process. While there are certainly educated and well resourced members of these minority groups, they are often the minority within that minority. As the ASA requires 'wide spread' community representation, this small group may not be heard.

Finally, by forcing consumers to sign a waiver form preventing them from taking their complaint to another authority, this prohibits the complainant from appealing to the Human Rights Commission, for example, who may be able to provide protection under the *Human Rights Act 1993* and the *New Zealand Bill of Rights Act 1990*. While there is an appeals process available, appeals can only be heard if there is new evidence or the decision outweighed the evidence provided (ASA n.d. d.). As previously discussed, a consumer may not have the ability or resources to mount an appeal and due to the signed waiver cannot pursue it in another forum. Ultimately, the process debilitates the consumer's

right for justice and to be properly heard, particularly if the complaint is not upheld.

There are a range of issues in the ASA codes and processes which may negatively impact on ethnic minority consumers. While there is the appearance of protection for these groups such as Māori, with closer analysis there are undoubtedly contradictions and unequal processes that may hinder and be harmful to minority consumers. What follows are three case studies which will explore the ASA's practice further. These case studies will be analysed as to the application of the codes and the processes followed to further ascertain the degree of protection for ethnic minority consumers.

CASE STUDIES

The three cases studies presented here centre around the complaints and decisions made regarding separate advertisements. The first case study examines a TVC created for Brandex Adventure Sports Ltd and the 'Skins' label. A core theme of the advertisement was race and, in particular, racialized notions surrounding African Americans. The second case is an advertisement for Award Concepts Limited and the '30 second Spray' product. Again, a core theme of the advertisement is race and, specifically, stereotypical ideas surrounding the Asian community. The final case is a billboard for Ace Car Rentals, which used Māori language phrases to advertise their service.

The purpose of these case studies is to explore the decisions made by the ASCB and, subsequently, the ASA. The case studies will be used to identify the rationale of the ASA and the ethics they adhere to when making decisions. Ultimately, the case studies will identify whether minority and, in particular, Māori issues and interests are recognized and protected within the ASA's practices and decision-making process.

CASE STUDY ONE

Brandex Sports Ltd – Skins – Complaint 08/139

Advertisement: The script in the television advertisement (Key: SK15477 30) for Skins™ technical compression sports wear, contained the following statements made by a series of Black athletes:

“We’re faster, we got more skill, we got the stamina. You know when it comes to the physicality of sport, the African Americans have the advantage. Yeah, it just comes natural to us. I mean, you’ve got to look back at our ancestry. We were born warriors. It’s a natural instinct. It’s like a killer mentality. If you look at the way the black male is built, we’re more muscular, stronger. You want to be like us?”

Images in the advertisement showed a series of Black male and female sports people engaging in track and field events, football, boxing and basketball.

The advertisement ended with a visual of the product logo which included: Skins™ BEYOND REASON

Complainant, R. Salt, said:

“Type: Television

Where: On television One at 10pm on the 10/3/08

Who: Skins

Product: Skins sports clothing

Complaint -

I wish to object to this ad because it states that black people are more muscular, more athletic than everyone else etc....It concludes by saying something along the lines of "You want to be like us" I find this offensive because

1) It helps reinforce racial stereotypes that with dark skinned people are more athletically superior and reinforces some peoples beliefs that physical activities are all that they are good at.

2) If any other race of people, for example white people were used in the ad reinforcing their racial stereotypes and stating that "you want to be like us" it would not be accepted by the general public.

This can only help reinforce people's beliefs that different human traits are linked to race and cause resentment between different races and cultures.”

Seventy-two complaints similar to R. Salt's were made about this advertisement. The Chairman of the ASCB ruled that the following codes were relevant to the complaint: Code of Ethics, Basic Principle 4, Rule 2 and Rule 7, and Code for People in Advertising, Basic Principle 3 and 4. The advertisement was found to be in breach of Basic Principles 3 and 4 of the Code for People in Advertising and, thus, the complaint was upheld. Basic Principle 3 relates to the portrayal of people in a manner that may cause offence, specifically the Complaints Board found that the advertisement used a racial group and provocative statements in an inappropriate manner and had caused 'serious and widespread offence'. Basic Principle 4 relates to the use of stereotypes in a manner that may cause offence. Here the Complaints Board found "the use of racial stereotypes, race and/or physical racial characteristics, being a human condition that could not be changed" was inappropriate used in this case to sell a product (for full decision: see Appendix 2).

CRITIQUE OF DECISION

While the complaint was upheld, it is important to highlight that the advertisement was found not to be in breach of Basic Principle 4 and Rule 2 and 7 for the Code of Ethics. In defense of their commercial, the Brandex Adventure Sports Ltd submitted supporting evidence, including a list of journal articles that highlight scientific research identifying specific genetic characteristics of West African people that gives them advantages in sport (ASA 2008b). They further state in their submission that comments in the advertisement were

“made with reason, consideration and adherence to proven scientific and physiological research” (ASA 2008b).

Also, the Television Commercial Approvals Bureau (TVCAB) responded by stating that they believed the advertisement encouraged the use of Skins products in sporting endeavours and was not about race or prejudice. They supported the advertisers claim for the decision not to be upheld. Coincidentally, or not, the TVCAB used supporting evidence from the articles provided by the advertiser in their submission (ASA 2008b).

Basic Principle 4 states that all advertisements should be made with a due sense of responsibility to the consumer and to society. A minority of the ASCB stated that the promotion of a product using a perceived superiority of a racial group was not socially responsible and further to this, the negative impact on those who may aspire to be an athlete but who feels they cannot because they do not belong to the advertised racial group, raises questions of social responsibility. However, a majority of the ASCB suggested that the advertisement promoted a positive statement about athleticism and therefore, celebrated black athletes. Due to this majority claim, no breach was found (ASA 2008b). According to the ASCB then, celebration of athleticism in relation to race did not breach any ethical standards as it was a ‘positive’ image portrayed. However, this ‘positive racism’ can have detrimental effects as it reinforces stereotypes that align people of color as less intelligent because of their physicality (Hoberman 1997:3-27). If one was to invoke the Categorical Imperative of Kant and produce

an advertisement that uses European scholars projecting a claim of intellectual superiority due to their racial heritage, this decision could be used as a valid and dangerous precedent set by the ASA.

Rule 7 states that advertisements should not contain anything that lends support to unacceptable violent behaviour. In their decision, the ASCB also discussed whether the advertisement endorsed stereotypical beliefs about race and violence, despite this not being a provision of Rule 7. The advertisement's script says, "it's a killer mentality", which is at the centre of this complaint in this regard. The ASCB ruled that due to the statements being made in a sporting context the advertisement was not in breach of Rule 7 (ASA 2008b).

While context is an important consideration for the ASCB, it is the rationale behind the decision which should be concerning to Māori. The ASCB (ASA 2008b) state,

These comments sat alongside the traditional haka performed by the All Blacks and other New Zealand teams before a game of rugby and other sporting fixtures, the Haka also containing strong and provocative references to the players origins as warriors, and the "killer" instinct they would apply to the game.

There are two concerning features of this comment, the first is the apparent lack of understanding regarding the *haka* (posture dance) and secondly the association of Māori and their origins as warriors.

The common *haka*, 'Ka mate', performed by the All Blacks is a *haka taparahi*, which was created from the original *ngeri* (chant without actions) composed by Te Rauparaha of Ngāti Toa Rangatira, describing his escape from imminent

death. 'Ka mate' details his escape and does not make reference to warrior origins or a 'killer' instinct (Karetu 1993 cited in Jackson & Hokowhitu 2002:129). While the *haka* has taken on an identity associated with sport and male masculinity, an institution such as the ASCB should not use it without first having a more meaningful understanding of it and its original and true context.

The ASCB then commented on the 'warrior' stereotype of Māori by stating "the Haka also containing strong and provocative references to the players origins as warriors" (ASA 2008b). Recent controversy surrounding the release of Dr. Rod Lea's research into a 'Māori warrior gene' was met with public outcry and disgust by some. The research seemingly identified Māori genes as the major factor in high domestic violence and other violent offence statistics among Māori. Inadvertently, removing any blame on the Crown or the colonisation process for the social-ills of Māori (Chapman 2009). While, Dr. Lea's research has been 'debunked' and many notable scientists have stated that Lea's research was inaccurate and unethical, the ASCB have demonstrated an agreement to a negative and damaging stereotype of Māori with their statements in this complaint.

In their appeal to the ASCB on the grounds that the "ruling outweighed the evidence", the advertiser provided evidence of a huge increase in sales due to the advertisement and suggested that such an increase does not reflect 'widespread and serious offence' (ASA 2008b). They also compared the 73 complaints made with the 'thousands' of consumers that had since purchased

Skins products. The Chairman in this case ruled that the sales performance was irrelevant in relation to the breaches made and that the number of complaints received was only indicative of community concern and only one of the factors used in the Board's deliberations. The appeal was declined (ASA 2008b).

In concluding this case study, there are some interesting points specific to this case that must be highlighted. Firstly, it is likely that the number of complaints stems from the perceived 'reverse racism' apparent in the advertisement. It is implied through the script that black people are superior to white people and that white people "want to be like us" (black people). Had the stereotypes insisted that there was no white inferiority the question can be asked, would there have been such a high number of complainants?

Secondly, teleological ethics has demonstrated here the power a majority group holds. The large number of complaints reflects a large group of people finding offence with the advertisement, however, had the advertisement affected a minority group in this manner, a smaller number of complaints would have been received, due solely to the fact they are smaller group within society. It is apparent that this form of ethics does not cater for the opinions of a minority group.

CASE STUDY TWO

Ace Car Rentals Billboard – Complaint 08/157

Advertisement:

A billboard, advertising Ace Rentals, featured three of New Zealand road sign locations. It read:

“Whakamaru Whakatane Whakamoia RENT A CAR FROM ONLY
\$25.00 A DAY SO YOU CAN VISIT ANY WHAKA”

Complaint – 1 Complaint made

B. Hamilton states:

“Further to our discussion about this sign I wish to register a complaint about the offensive language used on this sign. Although it is disguised culturally, I find the language used offensive.

Decision – Complaint not upheld

It is noted further in the decision available through the ASCB website that B. Hamilton was also of the opinion that it was “culturally insensitive to use the Māori language inappropriately”. This opinion was further supported by Māori Party co-leader Dr. Pita Sharples (NZPA 2008), who stated, “It is an abuse of a people, our history and our culture”. Māori Language Commission representative Debra Jensen (NZPA 2008) also commented that, “there are clearly sectors which do not value or respect language” (for full decision: see Appendix 2).

In response to the complaint, the advertiser provided evidence of a positive response to the billboard on their website and their Trademe community forum. The advertiser also stated that New Zealanders have a unique ability to “take the piss” out of each other and that a “small percentage of small minded people” should not change the culture of New Zealand (ASA 2008c).

CRITIQUE OF DECISION

The deliberation of the Complaints Board noted that the context was important as a whole when determining the outcome of this case. The ASCB acknowledged that for “some members of the community the advertisement could be

somewhat distasteful” but overall it deemed it had not caused widespread offence (ASA 2008c). It is probable, the majority of the “members of community” that the ASCB are referred to, would have been Māori whose opinions were quickly dismissed because “overall” the advert had not caused offence. Further to this, the ASCB concluded that, “in this instance, the advertisement did not meet the threshold required to effect a breach of Basic Principle 4 or Rule 5 of the Code of Ethics” (ASA 2008c). This statement by the ASCB highlights an apparent threshold relating to the number of complaints made to determine the concepts of ‘widespread and serious’ offence. However there is no publicised, official threshold outlining the required number of complaints to satisfy the ‘widespread and serious’ criteria.

It is also apparent that there was no deliberation into the social responsibility regarding the protection and respect for the Māori language. This highlights a lack of understanding and indeed observation by the ASA and ASCB of the rights and duties set out under the Treaty of Waitangi. The Treaty of Waitangi, clearly states the duty of protection for *taonga*. The WAI11 claim and subsequent findings found that the Māori language was indeed a *taonga* and therefore requires protection under this agreement (Waitangi Tribunal 1986).

It is interesting to note that the advertiser removed the billboard due to a complaint made directly to them by the Māori Language Commission (NZPA 2008). Also, in the decision made available via the ASCB website the advertising agency involved, OGGI, states that the advertiser voluntarily removed the

billboard. This demonstrates the pressure felt by the advertiser from other areas of society and not via the ASA (ASA 2008c).

CASE STUDY THREE

30 Second Spray – Complaint 07/471

Advertisement: The television advertisement for the product 30 Second Spray (Key No: 30S 30 001) showed a proud Asian man in a white laboratory coat introducing and demonstrating the product.

The advertisement commenced with the presenter showing the product to the viewer as he proclaimed: “30 Second Spray and Walk Away is a simple solution for lichen, algae, mould and moss.”

He demonstrates the use of the product and continues with: “Look. I spray and walk away” using his arm in a dramatic gesture to highlight the fact that he simply walks away.

Time passes and he is seen returning to the lichen previously sprayed. He says: “Look lichen die. I walk away.” He returns again later and says: “Look lichen still die. I still walk away.”

The final screen shows the presenter proudly holding the product before the viewer and saying: “30 Second Spray and Walk Away”

Complaint – 4 Complaints made

S. Cooper states:

I find this advertisement offensive. It features an Asian man with an exaggerated accent repetitively promoting the product. The man is a caricature of an Asian man with black heavy rimmed, thick lensed glasses. His accent implies stupidity.

I think this advertisement promotes racism, and is insulting to the many Asian people who live and visit here, and insults the intelligence of our own population.

This ad is offensive to the Asian community because it depicts an Asian man with a bad English accent and behaviour that suggests a high level of social awkwardness.

L. Chong states:

I believe this ad violates the basic principles in the Code for People in Advertising, in particular, the fourth. While “stereotypes may be used to simplify the process of communicationadvertisements should not use stereotypes ...which... is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.”

Portraying an Asian with a bad English accent is derogatory to the Asian community and reinforces the stereotype of the hapless non-native English speaking Asian. This ad invites the public to think that the majority of Asians in NZ still do not know how to speak English properly, and opens Asians (especially kids at school) up to contempt, ridicule and possibly abuse. Simply by the fact that this ad is condoned on NZ television, means that the public is allowed to continue believing Asians aren't capable of communicating properly. Ultimately this demonizes any Asian-looking face.

Given the fact that there are VERY few admirable or good Asian role models on NZ tv, this ad is all the more menacing in promoting a damaging view of Asians.”

Decision – Complaint not upheld

The Chairman ruled that the following provisions were relevant to this complaint, The Code for People in Advertising, Basic Principle 3 and Basic Principle 6⁷ (ASA 2007b) (for full decision: see Appendix 2).

Submissions made by the advertiser included a letter written by the actor that features in this advertisement, Ming-Jen Huang. The letter states that the actor is very happy with the work and the character he portrays. The advertiser's evidence further states that the attributes of the character, such as the strong accent and exaggerated actions are in fact the actors own voice and the gestures made were of his own nature and behaviour. Essentially, the appeal against the complaints argued that the behaviour depicted could not be negative or untruthful because it was 'real' and the only fictitious aspect of the character was his occupation (ASA 2007b).

In making its decision, the Complaints Board noted that a total of four complaints were made, the Advertiser had gone to great lengths to assess the attitudes of consumers towards the character, Professor Yaki Yakamoto, who had a positive effect on sales. The Complaints Board ruled unanimously that the advertisement was not in breach of the 'Code for People in Advertising' (ASA 2007b).

⁷ Similar complaints (complaint 08/029 and 08/087) were made for TVC advertisements that are part of the '30 Second' Brand. It was deemed by the Chairman of the ASCB that there were 'No Grounds to Proceed' on both complaints, as the decision of complaint 07/417 set the precedent for these cases, and the decision would be upheld. The full decisions are available in Appendix 2.

CRITIQUE OF DECISION

In critiquing this decision, there could be very serious and dangerous implications. Firstly, it appears the ASCB has considered factors that should not come into the deliberation process. The effect an advertisement has on sales should not be a mitigating factor in reaching a decision. All advertisements whether positive or negative will have some effect, in particular if the product or service has had no previous publicity. While increased sales are a positive consequence for the business it cannot outweigh the perceived negative consequences on the community. This would be deemed socially irresponsible.

Secondly the complainants did not have the opportunity or resources to survey members of their community regarding the advertisement, however the advertiser has been able to submit evidence to support their cause. Of particular concern is the fact the 'actor', who has been contracted to the advertiser to provide the 'character', has provided evidence detailing his sense of pride in his performance. It would be unfair to take this as an objective statement given he is a possible future employee of the advertiser. By taking this evidence into consideration the ASCB is stating that if the actor/actress is proud of their performance and subsequent recognition then this outweighs the negative consequences to the Asian community. Also, had the complainants the opportunity to submit their own supporting evidence then perhaps the decision may have been in favour of the complainants. L. Chong, for example, discusses the demonizing of the "Asian-face". Had Chong submitted this image drawn by Dr. Seuss during World War II (see Figure 5) shown in comparison to a still

image of the 'character' Professor Yaki Yakamoto (see Figure 4), the statements about negative racial stereotyping may have been made more obvious.



FIGURE 4: PROFESSOR YAKI YAKAMOTO
([HTTP://WWW.CLARKNEWTON.CO.NZ](http://www.clarknewton.co.nz))



FIGURE 5: DR SEUSS CARTOON
([HTTP://WWW.WHO-SUCKS.COM](http://www.who-sucks.com))

While, it is probably beyond the Board's scope to assess the social capital of the complainants, that is, the board must take each complaint and appeal on face-value, regardless, the fact that advertising companies have the time and resources to provide substantial evidence for their case, whilst most members of the public would lack both, points to an imbalance in the process.

What is apparent is that the community in question, the Asian community, has had little consideration in the deliberation process. The small number of complaints appears to have had no bearing on the decision process as it did not reflect widespread offence. Had the small number of complaints been assessed relative to the size of the minority Asian community, perhaps there would have

been a different outcome. Again, the ethics of teleology is being called into question as it does not adequately cater for minority groups.

SUMMARY OF CASE STUDY CRITIQUES

It is apparent from the above case studies and literature that there is little consideration of minority communities and consumers in the deliberation of advertising by Advertising Standards Authorities. The case studies of 'Skins' and '30 Second Spray and Walk Away' showed inconsistencies and contradictions in the ASCB's decisions in regards to the number of sales and complaints made in the deliberations.

Decisions were made based on the majority community standards, a utilitarian approach to ethics, which do not reflect those standards of the minority communities. Therefore, there is little or no protection for minority consumers and ultimately little protection for Māori within the current advertising guidelines. Within the utilitarian approach to ethics, for there to be equality for Māori under the current system, Māori would have to make up 50% of the population and have equal access to resources such as finances, time and education. This can be highlighted by the lack of complaints made with regard to the ACE Rental Cars case-study provided above. The Treaty of Waitangi outlines several rights and duties that bind a bi-cultural political and ultimately ethical framework. Despite the minority population size of Māori, the Treaty of Waitangi principles and rights outlined in the Treaty provide Māori with the

right to equal access and equal consideration. It is apparent that the Treaty of Waitangi is not observed or considered at all in the deliberation process or ethics of the ASA.

Where there is protection, for example the two codes critiqued, it is apparent through the case studies presented that they appear tokenistic and easily defensible. Notably, none of the deliberations and subsequent decisions drew attention to any legislation such as the *Human Rights Act 1993* or *New Zealand Bill of Rights Act 1990* as informed by Basic Principle 1 of the 'Code for People in Advertising'. It is evident that deliberations and subsequent decisions are not culturally or legally informed and often do not adhere to the guidelines presented. They are based on the individual opinions and interpretations of board members, the impacts on business and the available resources of the advertisers in question.

The critiques presented in the case studies above demonstrate that the ASA codes and processes indicate serious issues for Māori. Should advertising to Māori and with Māori themes increase, it is evident that the current regulator provides very little protection for Māori should a 'marketing blunder' occur. Before this thesis can begin to provide recommendations to the ASA and other advertising bodies in regards to ethnic minority consumer protection and rights, the current state of Māori advertising must be examined. The following chapter will provide an overview of the last 50-years of advertising to Māori,

presenting themes and trends and ultimately providing a picture of Māori advertising as it is today.

CHAPTER FIVE: MĀORI ADVERTISING

This chapter presents a partial history of and current practice of advertising to Māori. Due to the lack of academic literature regarding Māori advertising, the chapter is exploratory, using case studies of print magazines spanning the last 50 years and also early print media, such as the first Māori language newspapers, to commence a history of advertising to Māori. The timeline of advertising evolution previously discussed in the first chapter will also be used as a guide to map the evolution of advertising in New Zealand. Examples of advertisements will also be analysed to provide an insight into themes and trends found in the case studies provided. The chapter will conclude by exploring the contemporary context through the limited literature available regarding Māori targeted advertising in New Zealand. A case study of a current Māori news magazine will also be used. Any common links or noticeable contradictions between the literature and the case studies will be discussed, and a conclusion as to the current Māori advertising environment will be drawn.

ADVERTISING IN NEW ZEALAND

Due to the relatively late European colonisation of New Zealand, the advertising industry evolved far later than other developed countries. According to the timeline previously presented which showed the evolution of advertising, the Print Age occurred in the 1400s. In New Zealand, however, the first printing press did not arrive until 1834 in the Bay of Islands (Wearne 1937:48). The first

newspaper printed in New Zealand was the second issue of the *New Zealand Gazette*, on April 18th 1840. The first issue was printed by immigrants in London before their departure to New Zealand. This early newspaper contains the first informative type of advertising, the classic classifieds. These early classifieds were targeted solely at early immigrants in and around the Port Nicholson area. The advertisements ranged from the sale of necessities, such as tea and coffee to advertising weekly markets and, of course, the sale of land. *The New Zealand Gazette* was heralded as “a newspaper for the First and Principal Settlement of the New Zealand Land Company” (*The New Zealand Gazette* 1839:1). The first Māori newspaper was *Te Karere o Nui Tireni*, published in January 1842. This newspaper, which ran until January 1846, did not contain advertisements regarding the sale of goods or services, however there were notices informing of the sale of particular areas of land and rewards for the capture of escaped convicts and deserters.

Liqu- hale- pens ns of ances. esre. , and their k the ly :- se	<p style="text-align: center;">WEEKLY MARKET.</p> <p>MR. J. TELFORD has arranged to have a WEEKLY MARKET on MONDAY and SATURDAY EVENINGS, at his Warehouse, from 4 to 7 o'clock, being intended chiefly for the accommodation of Workmen's Families. The following articles will be sold in small quantities, at reasonable prices:-- Flour, oatmeal, sugar, tea, coffee, butter, cheese, candles, soap, &c. &c. Port Nicholson, April 16, 1840.</p> <hr/> <p style="text-align: center;">SALE BY AUCTION.</p> <p>MR. J. TELFORD will sell by auction, at his Warehouse, on Monday and Thursday next, at 2 o'clock, p.m., in quantities to suit purchasers: 30 to 50 dozen good sherry, in bottle, 50 doz. Dunbar's pale ale, 12 doz. porter, in bottle, Negrohead tobacco, Loaf sugar of good quality, Cheese, in 4lb. to 5lb. cheeses, Brandy of superior quality, A parcel of Scotch bonnets, Trowsers and shirting, A quantity of white pine deals of good quality, Nails of various sizes, And a general assortment of hardware. Mr. SCOTT, Auctioneer. Port Nicholson, April 18, 1840.</p>
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**FIGURE 6: FIRST NZ CLASSIFIEDS
(THE NEW ZEALAND GAZETTE
1840:1)**

that ees, , &c. have	<p>ANY Gentleman wishing to dispose of a Land Order, may hear of a purchaser on application to SAMUEL Mc. DONNELL,</p>
-------------------------------	--

The Industrial Revolution occurred in the latter half of the 18th Century, yet, in New Zealand widespread Industrialisation did not occur until after the 1920's (Houston 1970 cited in Baker 2001:56). In the timeline presented in Chapter One, this period of industrialisation saw the advent of new technology which allowed for images to be used in advertising and the beginning of the marketing concept and branding (Moriarty *et al* 2009:9). While industrialisation occurred later in New Zealand, images in

advertising can be found as early as the first newspaper in 1840. While they were only simple images of ships advertising passage on ships travelling between various ports, these were the first images linked to the product in New Zealand newspapers. The *Anglo-Māori Warder* published in 1848, a newspaper

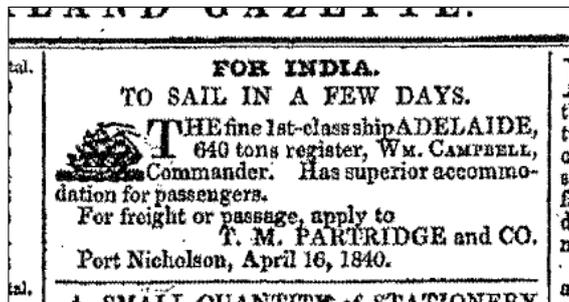


FIGURE 7: FIRST IMAGE (THE NEW ZEALAND GAZETTE 1840:4)

targeted to Māori, written mostly in English with sections in Māori, demonstrates the first use of imagery, again with ships and shipping notices. The *Anglo-Māori Warder* is also the first Māori

newspaper to contain classifieds.

Late into 1847, the use of various types and fonts sizes begins to filter into advertisements presenting a more creative, rather than solely informative approach to advertising. The Modern Advertising Age is described as one that begins to explore the power of headlines and various advertising copy, for example, slogans (Moriarty *et al* 2009:9). The influence of consumer behavior and perception begins to manifest itself in these advertisements and the principle of ‘catching the eye’ of the consumer is noticeable. This may be due to the increase of advertising in its various forms and businesses were looking to make themselves more distinguishable from other advertising. In the *New Zealander*, ‘To stand the season’ was often used to advertise good working horses, often with an image of a horse attached. This sort of advertising was not

found in Māori newspapers until late 1857, in the Wellington based newspaper, *Te Karere o Poneke*.

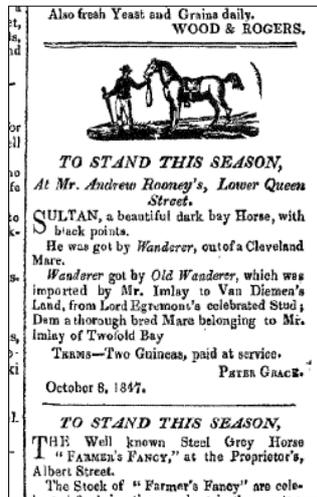


FIGURE 8: TO STAND THIS SEASON(THE NEW ZEALANDER



FIGURE 9:KO EKEREHA (TE KARERE O PONEKE VOL.1, NO.5 1857:1)

The Age of Agencies is described as beginning after World War One (Moriarty *et al* 2009:9). As consumer demands increased following the war, specialized agencies were established to help companies differentiate their forms of promotion. While it is difficult to determine the first advertising agency in New Zealand, it is understood that in 1920, New Zealand Railways (NZR) established its own studio for producing posters and pamphlets to promote its products. This is considered the first of its kind in New Zealand. NZR then began to take on other clients to produce promotional material that would be used to advertise in stations, carriages and on the outside of trains (Ministry for Culture and Heritage 2007).

In the 1920's, significant changes in advertising become apparent when examining newspapers. Examples from the *NZ Truth* show increased use of



FIGURE 10: 1920S ADVERTISING
(NZ TRUTH NO.759 1920:8)

images and advertising copy. The images are more complicated, rather than the simple 'stamp' like images previously presented. Also, branding was significant and the use of modern aspects of advertising techniques is obvious. Alcohol advertising, which could be viewed as targeting Māori, can be found in the immediate post-war period. Bella Putawai of Ngati Kahungunu descent

was used in a marketing campaign by DB Breweries for their 'Waitemata Ale', professing its benefits and contributing to her living to the age of 109. It is believed this was the first instance that a living Māori was used in a beer advertisement (Hutt 1999: 74-75). Māori newspapers had dwindled in number by this period and the dominant paper of the time, *Te Toa Takitini*, contained very little advertising material and certainly nothing similar to that of the major mainstream newspapers. It appears other than a small number of examples that Māori as a consumer group had disappeared off the commercial radar.

The next two stages of advertising, the Creative Era and the Accountability Era dating from around the 1960s to the 1990's will be explored through historical case studies of Māori news magazines. As previously stated, Māori newspapers had declined in number and there was a shift towards the magazine format. The final era of advertising, the Age of Social Responsibility will be discussed in conjunction with literature to develop a picture of current advertising practices

in New Zealand. The approach for the case studies is described in the following section.

METHODOLOGY

Three Māori news magazines have been chosen to present the partial history of advertising to Māori. Two magazines have been chosen to develop a historical perspective and one magazine to showcase the contemporary environment. The magazines have been chosen from three different time periods, the 1950s, the 1980s and (bringing us to the present) the 2000s. Eight issues have been chosen from each of these periods to ascertain trends in advertising during these periods. The three news magazines have been chosen to maintain a similarity in target audiences and content. The reason for selecting print media to demonstrate trends in Māori advertising is due to the long history Māori have in this form of media. Mainstream media sources, such as television, are relatively young and therefore advertising in these forms is far less able to reflect historical trends. Also, capturing print media examples and analysing them to any degree is a simpler process than using other forms of media that require recording equipment and are influenced by factors, such as peak airtimes.

Each issue was analysed as to the number of advertisements within them, these advertisements were then categorised further into product or service advertisements, social advertisements, or 'other' advertisements. Other advertisements include advertising for recruitment and events. It was hoped that categorisation would help determine any trends in the various types of

advertising. The number of advertisements within each of the magazines was also analysed to determine whether Māori advertising has decreased or increased within this form of media. The number of pages was also counted; this includes the front, back and insides covers. Some advertisements were critiqued individually to explore any themes or issues that may be present. The advertisements that have been selected are ones that appear more than once within the selection of Māori news magazines, as it was thought that to select one-off advertisements would not truly reflect any themes during that period.

The context within which each of the news magazines appeared will also be discussed. It is important to show the social and political climates of the time to provide some insight into the advertisements themselves. The major issues for Māori during these periods will highlight any underlying themes in the advertisements themselves and perhaps reflect the types and number of advertising of that period. The first two case studies are presented as historical case studies, while the third will be used in a section that explores the contemporary context and is supported with the limited academic literature that is available.

CASE STUDY ONE: TE AO HOU

Te Ao Hou is a news magazine that was printed from 1952 to 1976 by the Māori Affairs Department of New Zealand, producing 76 issues over this quarter of a century period (i.e., approximately three issues per year). *Te Ao Hou* was initially under the editorship of Eric Schwimmer, then Margeret Orbell and

finally Joy Stevenson (*Tu Tangata* 1986: 41). The aim of the news magazine was to keep Māori in touch with their rural communities as they ventured into the 'new world'. A reflective article on the history of Māori publishing discusses *Te Ao Hou* (*Tu Tangata* 1986: 40-41). The article states that the content of *Te Ao Hou* emphasized the importance of Pākehā technology and education and *tikanga Māori* was shown to be "backward or not seen at all" (*Tu Tangata* 1986: 41). The article also specifies advertising was also an indication of this attitude, stating that they reflected the belief that if Māori "cotton[ed] on to Pakeha technology, things would be alright, and the Maori people would succeed" (*Tu Tangata* 1986: 41).

During the mid-1950s, the Māori population was approximately 135,000. A significant feature of this time period was the phenomenon known as the 'urban drift', which saw many Māori move from their rural homes to urban settlements. In 1926, only 3,457 Māori were recorded as living in urban areas. In 1951, however, this had increased to 16,010 and in 1956, the urban population of Māori had reached 21, 645 (Department of Statistics 1956: 6). Notably, this figure triples to approximately 60,000 over the next 10 years. This period in Māori history has been written about by many academics and commentators, who attribute the consequences of such swift urbanisation to neo-colonial phenomena such as the loss of identity and Māori language decline, the breaking down of *hapū* units and the degeneration of many Māori social aspects (Walker 1990:197-199).

The *Te Ao Hou* issues selected for this analysis are from April 1956 to November 1957, as outlined in the table below:

Issue No.	Pages	Total Ad.	Social (Māori)	Prod/Serv. (Māori)	Other
14 - April 56	70	14	3 (2)	11 (1)	0
15 - July 56	70	16	3 (1)	13 (2)	0
16 - Oct 56	70	14	3 (1)	11 (1)	0
17 - Dec 56	70	11	2	7 (1)	2
18 - May 57	70	11	2 (1)	7 (1)	2
19 - Aug 57	70	13	2 (2)	9 (1)	2
20 - Nov 57	70	18	3 (2)	12 (2)	3
21 - Dec 57	70	18	4 (3)	12 (2)	2
TOTAL	560	119	22 (12)	82 (11)	11

TABLE 1: *TE AO HOU* ANALYSIS

On average, each *Te Ao Hou* magazine has one advertisement for nearly every five pages. The most significant feature of the advertising is the high number of product and service advertisements compared to the number of social advertisements. Also, both categories featured advertisements that used the Māori language as the main medium of communication. As stated above, the advertisements in *Te Ao Hou* focused around European technologies and beliefs. Three advertisements have been selected from the sampled issues, with each advertisement representing the key themes of the analysis and also appeared frequently in the magazines sampled. The first advertisement is for Wrigley's

Arrowmint Chewing Gum which consistently advertised in seven of the eight issues analysed. The second advertisement is a social marketing advertisement from this period regarding water safety. The final advertisement is a recruitment advertisement that has been categorised as ‘Other’ in Table 1.

For the Wrigley’s Arrowmint Chewing Gum advertisements, there were variations in the advertisements themselves, but the message remained the



FIGURE 11: WRIGLEY'S ADVERTISEMENT (TE AO HOU ISSUE 16 1956:4)

same. The advertisement uses Māori language to sell the product, “He Pai Mahau, He Pai Hei Ngau”. The advertisement suggests that chewing their product will “brighten your teeth” and “Aids your digestion”. The cartoon character is not characterized to any particular ethnic group; in fact the gender is also ambiguous.



FIGURE 12: WATER SAFETY ADVERTISEMENT (TE AO HOU ISSUE 20 1957:66)

The social marketing advertisement regarding water safety had several variations which appeared frequently in the magazines sampled. The advertisement is completely in the Māori language, describing the high statistics of Māori children that drown every year. It specifically details the number of Māori

children that have drowned that particular summer. The text asks parents to be vigilant when their children are near the water to ensure their safety. It also states that all waters are dangerous, referring to the sea, rivers and lakes. The use of the Māori language as the main medium for communication indicates that at this time there were still a large number of Māori language speakers, particularly of parenting age or more. The image used does not clearly depict Māori children swimming; rather the ethnicity of the actors is ambiguous.



The final advertisement is a recruitment advertisement for nurses. The advertisement is written in English and features a cartoon woman, telling the reader that “Naturally you’ll want to be a Nurse”. There is then an image of a young European girl dressed up as a nurse. This advertisement indicates a national female recruitment campaign, rather than a

FIGURE 13: NURSING RECRUITMENT ADVERTISEMENT (TE AO HOU ISSUE 21 1957:1)

specifically Māori targeted campaign, due to

the apparent lack of Māori language or imagery.

Te Ao Hou is a magazine that, according to the timeline presented in the first chapter of this thesis, appears just prior to the beginning of the Creative Era in the 1960s. This period focused on the imagery, or ‘art’, used in advertising. The

selected advertisements all have imagery in the advertisements, which reflects the general evolution of advertising.

Perhaps, more importantly, the supposition that the advertising was aimed at encouraging Māori to take up European beliefs and technology is proven, in the case studies and analysis, to be well-founded. There is very little to indicate Māori values or beliefs in these advertisements. Of note also, the advertisements contained in the *Te Ao Hou* issues analysed here did not use any Māori imagery, yet clearly they were advertising to Māori because they were in a Māori magazine and two thirds used the Māori language. It is possible that the lack of Māori people or Māori imagery within the advertisements reflects the assimilatory intent of the time. That is, it was hoped Māori would become just like Pākehā and images of Māori themselves would detract from this sentiment.

CASE STUDY TWO: TU TANGATA

Tu Tangata was produced by the Department of Māori Affairs from 1981 to 1987. The magazine has been described as having changed its outlook from writing about Māori people to writing for Māori people. The 1970s and 1980s for Māori saw the beginning of the revitalization of Māori language and *tikanga*. A highly political period in New Zealand history, the 1970s were marked by events such as the Māori Land March in 1975, which saw approximately 5000 people march from Te Hapua in the Far North to Parliament Buildings in Wellington, protesting Māori land issues. This was followed up by further land

protests, such as the Raglan Golf Course Occupation in 1978 and the Bastion Point Occupation in 1981 (Walker 1990:209-219).

Māori language was also central to Māori assertion and protest during this period. In 1975, Ngā Tamatoa, petitioned the New Zealand government to begin promoting the Māori language. This saw the beginning of Māori Language Day which was to become Māori Language Week. The early 1980s saw the beginning of intensive Māori language recovery programs in the form of *kohanga reo*, Māori language immersion pre-schools. The first *kohanga reo* was opened in 1982 in Lower Hutt (Ka'ai 2004:202-204)

In 1985, the Waitangi Tribunal heard the *Te Reo Māori* claim lodged by the Huirangi Waikerepuru and Nga Kaiwhakapumau i te Reo. The claim asserted that the Māori language was a *taonga* and as such was protected under the Treaty of Waitangi. The earlier use of corporal punishment for using Māori language in schools, as directed by Government policy and the lack of protection and promotion of the language by the Government was deemed a breach of the Treaty of Waitangi. In 1987, the Māori language became an official language of New Zealand under the *Māori Language Act 1987*. (Ka'ai 2004:202-204)

The issues selected for these content analyses are from April 1986 to June 1987 (June 1987 being the final issue of *Tu Tangata*), as outlined in the table on the following page:

Issue No.	Pages	Total Ad.	Social (Māori)	Prod/Serv. (Māori)	Other
29 – April 86	64	5	0	3	2
30 – July 86	68	12	2	6	4 (1)
31 – Aug 86	68	6	1	3	2
32 – Oct 86	72	6	0	4	2
33 – Dec 86	52	11	0	7	4
34 – Feb 87	52	5	1	2	2(1)
35 – Apr 87	52	5	0	3	2
36 – June 87	52	3	2 (1)	1	0
TOTAL	480	53	6 (1)	29	18 (2)

TABLE 2: TU TANGATA ANALYSIS

Tu Tangata appears during the Accountability Era of advertising, which reflects the lack of advertising. The Accountability Era is the period where managers wanted to know that their advertising dollars were being converted to actual sales (Moriarty *et al* 2009:9). There may have been little confidence that advertising in *Tu Tangata* would convert to sales, due in part to the poor social status of Māori. Accordingly, a noticeable feature of the *Tu Tangata* issues selected here is the overwhelming lack of advertising, with a mere 1% in some issues. Social Marketing is completely absent in many issues with a majority of the advertising falling into the products and services category. The use of Māori language as the main medium of communication in the advertisements is also absent. Ironically, during a time approaching the end of the ‘Māori renaissance’ one would suspect an abundance of Māori language. The contrary applies,

however, indicating the depth of the decline of the Māori language within Māori communities.

Two advertisements have been selected for analysis from the issues sampled. The first advertisement is a campaign increasing the awareness about Equal Opportunity. The second advertisement has been selected as representative of a number of advertisements seen throughout the sampled issues promoting books written by Māori authors.

EQUAL OPPORTUNITY FOR ALL
UNDER THE HUMAN RIGHTS COMMISSION ACT
AND THE RACE RELATIONS ACT IT IS ILLEGAL
TO DISCRIMINATE BECAUSE OF

<ul style="list-style-type: none"> • RACE • COLOUR • SEX • RELIGION • MARITAL STATUS • NATIONALITY 	<p style="text-align: center;">IN –</p> <ul style="list-style-type: none"> • EMPLOYMENT • ACCOMMODATION • LENDING OF MONEY • ACCESS TO PUBLIC PLACES • EDUCATION • SUPPLY OF GOODS & SERVICES <p style="text-align: center;">AND IN THE ADVERTISING OF THESE.</p>
--	---

There are some additions & exceptions to these basic rules
 For further advice on your RIGHTS and OBLIGATIONS, contact –

Race Relations Office First Floor Norman Doo Arcade 295 Karangahape Road PO Box 68 504 AUCKLAND Tel. (09) 774-060	Human Rights Commission First Floor 107 Custom House Quay PO Box 5045 WELLINGTON Tel. (04) 739-981	Human Rights Commission First Floor 190-192 Hereford St. CHRISTCHURCH Tel. (03) 60-998 or 792-015	Human Rights Commission Southern Cross Building 2nd Floor Cor Victoria & High Sts. PO Box 6751 Wellesley St AUCKLAND Tel. (09) 390-874
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The advertisement promoting Equal Opportunity has been submitted by the Human Rights Commission. The advertisement outlines the legislation that governs discrimination in New Zealand and the areas in which it applies. The 1970s and the

1980s were a period of Māori assertion of their sovereignty and rights as the indigenous people of New Zealand, as exemplified by Walker (1990:209-247). Incidences of discrimination are widely documented and this advertisement promotes to Māori their rights under the Human Rights Commission Act.

Throughout the issues sampled, there were various versions of advertisements from Penguin Publishers promoting the work of Māori authors. The selected advertisement, promoting *Potiki* by Māori author Patricia Grace is typical. The advertisement simply shows an image of the book, with the title and authors name and a short summary of the themes of the story. The book is

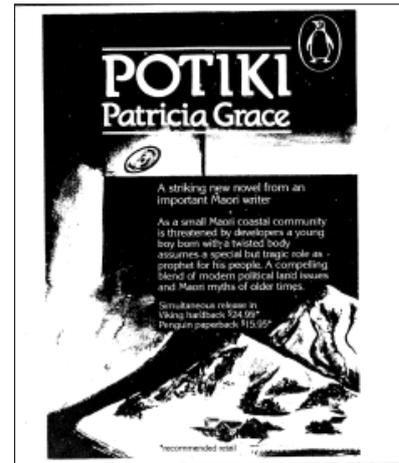


FIGURE 15: PENGUIN PUBLISHERS ADVERTISEMENT(TU TANGATA ISSUE 29 1986:45)

representative of an increase in Māori written and Māori themed literature, which is also reflective of the Māori renaissance period; a period that also saw the revival of traditional Māori arts and contemporary Māori arts emerge.

Examples of advertising in *Tu Tangata* as demonstrated by Table 2 are limited. Overall, the advertising in the magazine was centered on products and services such as books and Māori language courses, although awareness campaigns such as that by the Human Rights Commission featured consistently throughout the issues sampled. English was the main medium of communication and Māori imagery was lacking. Given the above discussion, the main conclusion that can be made from the *Tu Tanagata* analysis is that Māori advertising, during this period, lacked any use of an in-depth marketing strategy. Simply put, Māori in large part were not being marketed to as a discrete group.

CONTEMPORARY CONTEXT

Prior to examining the final case study, this section will preface it by exploring the contemporary practice of Māori advertising. Literature and a case study of a current Māori magazine will be used to explore various themes and issues that are relevant to today's Māori advertising industry.

There are a range of academic texts that focus on marketing and advertising practices in New Zealand, however very few discuss in any depth the practices surrounding marketing to Māori. Cui's (2001) literature review of ethnic marketing demonstrated an increase in ethnic marketing, particularly when the ethnic group in question was highly visible, for example, African American consumers during the civil rights movement. However, for Māori consumers there appears to be no peaks or ebbs in academic publications. There are reports from government and social organizations that explore their efforts to target Māori, for example Transport New Zealand and Smokefree New Zealand. The effects of advertising and the commoditisation of culture through advertising are explored, but discussions of commercial practices are almost absent. Jayne Krisjanous and Matene Love of Victoria University Management School are the only academics to provide any recent discussion surrounding effective marketing techniques for Māori (2002 & 2005).

According to Krisjanous and Love (2005:32) mainstream marketing has paid little attention to the targeting of Māori consumers due to the assumption that Māori remain among the lowest income earners in New Zealand. This lack of

advertising has also been demonstrated in the historical case studies provided. As occupants of the lower socio-economic group, it is assumed that Māori purchase few goods except for essentials. Much of their discretionary spending reflects 'bad' buys such as alcohol and tobacco (Krisjanous & Love 2005:32). This perception of Māori is a general stereotype held throughout the majority of New Zealand society. Statistics do demonstrate an over-representation of Māori in the 'commercially unattractive' statistics, yet statistics also show an increased economic involvement by Māori. Māori have huge assets in lands, fisheries and forestry, an increased participation in tertiary education and business. Marketers need to look beyond these commonly held beliefs and the negative statistics projected through the media to find the potential market of young Māori professionals that is becoming increasingly prominent (Courtney 2008:44-46). This highlights the need for marketers to address the way they research and essentially how they segment the Māori market. Despite this positive market being present, the majority of modern marketing to Māori can be seen in the sub-area of social marketing, campaigns targeted to change attitudes particularly in the areas of health promotion, ironically, in the case of changing behaviors relating to 'bad buys'.

SOCIAL MARKETING AND MĀORI

While there are many historical examples of Māori commercially targeted advertising, as seen in the *Te Ao Hou* case study and examples from early newspapers, social marketing campaigns targeted at Māori are the most obvious examples in today's modern marketing world. Social marketing is aimed at

changing behaviour and adopting new value systems that will aid in the social development of the target market.

These social marketing campaigns are well documented by the government agencies that are in charge of them. Advertising aimed at reducing the number of Māori smokers is perhaps one of the most obvious with the “It’s about whānau” campaign. The campaign used personal testimonials and themes relating to staying smokefree for ‘your family’. This campaign used Māori actors and Māori language to target the Māori audience (Wilson, Grigg, Graham & Cameron 2005:284). Another campaign focused on drink driving in the North Island. The advertisements used an alternative to the general population campaign “If you drink and drive, you’re a bloody idiot”. The Māori targeted campaign designed by Leigh Park and Nikora Ngaropo used the tagline, “If you drink and drive, it’s one more bro for the road”. The tagline tapped into the colloquial language used by young Māori males, the target segment, and began on radio before being supplemented by billboards (Land Transport NZ 2001).

The drink-driving campaign highlights an important aspect of ethnic marketing, that is, the Māori segment is not homogenous. There is diversity across demographics and geographic regions. While there are many common values and beliefs across Māori society, tribal variations and protocols may create a variety of behaviors and decision-making outcomes. An extension of this particular issue is that Māori and Pacific groups are often grouped together as a target market, even though there is immense variance between the various

Pacific cultures. While there are some commonalities between Polynesian and Pacific Island cultures, especially regarding values and socio-economically, it is a fallacy that mainstream advertising can apply a 'one-size-fits-all' approach (Casinader 2007:19). It is advised that ethnic targeted advertising is clear about whom they are targeting.

TARGETING MĀORI

While the Māori segment is diverse, some marketers have found particular values that are common across the ethnic group. For example, Māori are viewed as a collectivist culture and as such are known for adopting products and behaviors as a group due to the influence of their social connections such as *whānau*. Recommendations from credible spokespeople such as *kaumatua* (elders) or from *hui* (meetings) can be more effective than conventional mainstream media. This 'word of mouth' approach is viewed as an effective method of receiving a large and loyal following of Māori (Krisjanous & Love 2005:34).

In the terms of various mediums of communicating to Māori, research has found that Māori tend to watch more television than non-Māori, while there is no rate of difference between Māori and non-Māori who listen to radio. Yet, Māori listeners are more likely to be from a younger age group, while non-Māori are much older (Krisjanous & Love 2005:34-35). It is projected that because of the cost of computers and Internet charges, online forms of targeted advertising are not recommended as effective tools for reaching the majority of the Māori

population (Krisjanous & Love 2005:34-35). While Māori accessing the internet had increased from 25% to 47% from 2001 to 2006, this was still well below that of non-Māori in New Zealand (Parker 2003:460). It was also found that Māori have relatively low readership numbers in relation newspapers and other information-rich texts such as pamphlets (Krisjanous & Love 2005:34-35). This may be evident in mainstream newspapers, however, Māori forms of publishing have relatively high numbers of readership, evidenced by research produced by *Mana* (Mana Magazine Press Release 2008). As consumers, Māori youth are influenced not only by the dominant Western culture, the revitalised Māori culture and but also the globalisation effects of American culture (Krisjanous & Love 2005:35). While this provides opportunities for this market to be targeted it also opens the door to increased competition and increases the complexity of the Māori target market. The following case study will explore advertising in the Māori news magazine of *Mana*.

CASE STUDY THREE: MANA

Mana: the Māori news magazine for all New Zealanders was established in the summer of 1992 and is still being published bi-monthly today. A privately owned magazine, *Mana* is New Zealand's leading Māori lifestyle and current affairs magazine. Derek Fox, the current editor, states that the aim of *Mana* is to "provide a window on Maoridom for people to look through to see what we're up to" (Mana Productions 2008). In 2008, an AC Nielsen survey showed that *Mana* readership was approximately 136,000; an increase of 14,000 readers over the previous 12 months readership of 122,000, demonstrating *Mana's*

improving salability. A majority of the readers are Māori, while 40% ticked both the Māori and Pākehā ethnic boxes when completing the survey (Mana Productions 2008).

Since the era of *Tu Tangata*, there have been many changes in Māori society. *Kohanga reo* programs provided the platform for further language revitalization initiatives with the availability of *kura kaupapa* (Māori immersion primary schools) and *wharekura* (Māori immersion secondary schools) for school age Māori as alternatives to mainstream education. Due largely to these initiatives, there has been a sustained increase in Māori language speakers (Te Puni Kokiri 2007). Māori forms of tertiary education have also been established, such as Te Whare Wananga o Aotearoa, Te Wananga o Raukawa and Te Whare Wananga o Awanuiaranga, which have been factors in an increase in Māori attending tertiary education. While, politically, the Māori Party, lead by Tariana Turia and Dr. Pita Sharples have become an influential political party in government.

Despite these positive changes, there are still many social and political issues for Māori. Socially, Māori are over-represented in the worst statistics in New Zealand, particularly in areas of crime and health. An example of this is the life expectancy between 2005 and 2007 for Māori women was 7.9 years below that of non-Māori and 8.6 years for Māori men (Te Puni Kokiri 2009a). As such, issues like smoking, alcohol and drug abuse are key focuses for many Māori organisations. Māori women are more than twice as likely to smoke as the rest of the New Zealand population (Te Puni Kokiri 2009a). Education is still an

issue, with 56% of Māori leaving high school without achieving NCEA Level 2 in 2007-2008 (Ministry of Education 2009). This is despite Māori proportionately exceeding other ethnic groups in tertiary education. For example, in 2008, 19.1% of Māori aged 15 years or over were enrolled in tertiary institutions of all forms, from polytechnics to *wānanga* (Ministry of Education 2008b). These statistics provide some context for the case study to follow.

The issues that have been selected for this case study are from October 2007 to December 2008. A more in-depth approach has been taken with this particular analysis so a more thorough narrative of the state of advertising in today's environment can be provided. For this analysis, an Education Advertisement category has been added. Also, the size of the advertisements has been analysed to determine the total content of advertising in the magazines and also to determine and trends that can be drawn from that. This is displayed in brackets next to the number of pages found in each issue of the magazine; the number represents the number of pages the advertisements occupy in total.

Issue No.	Pages (ad cont.)	Total Ad.	Social (Māori)	Prod/Serv. (Māori)	Educ. (Māori)	Other
78 - Oct 07	84 (24)	33	12 (2)	9 (1)	6	6
79 - Dec 07	84 (35.25)	28	11 (1)	6 (1)	8	3
80 - Feb 08	84 (25.6)	25	8 (2)	6 (1)	6	5
81 - Apr 08	84(29.6)	33	11 (1)	9 (1)	7	6
82 - Jun 08	84(38.25)	39	12 (3)	11	10	6

83 - Aug 08	84 (35)	38	12 (3)	10 (2)	10	6
84 - Oct 08	84(33.6)	33	8 (2)	9 (1)	11	5
85 - Dec 08	84(24)	27	11 (2)	6 (1)	7	3
TOTAL	672 (245.3)	256	85 (16)	66 (8)	65	40

TABLE 3: MANA ANALYSIS

It is important to note that the appearance of *Mana* is markedly different from its predecessors. It has a glossy cover, is printed in colour, and could be considered the Māori equivalent to the high-end mainstream New Zealand magazines, such as *North and South*. This perhaps indicates a target audience that has a higher level of disposable income, which is also reflective of changes in Māori society. While the impact of the global recession has not been completely accounted for as of yet, from 2003 to 2008 Māori personal income increased by 36% (Te Puni Kokiri 2009b).

Advertising in *Mana* makes up, on average, 36.5% of the total content. The sheer number of advertisements found in *Mana* is a dramatic increase from those found in the previous case studies. There are two possible reasons for this large increase. Firstly, *Mana* is a privately owned magazine, therefore advertising dollars are necessary to make the magazine viable and profitable. *Te Ao Hou* and *Tu Tangata* were both published out of the Department of Māori Affairs, therefore funding for the magazines would have been mostly financed by the department, profitability was less of a concern and, consequently, advertising dollars would have been viewed as supplementary. The second possible reason for the increase in advertising is a general increase in Māori influence and

awareness of Māori issues during this time period. As discussed previously, the Māori Party has drawn more attention to Māori political issues and Māori social circumstances have improved.

In regards to the evolution of advertising the final stage is the Age of Social Responsibility. Companies in this stage are endeavouring to become 'better corporate citizens' by engaging with social issues and ensuring they are socially responsible in regards to areas such as the environment. It is evident that *Mana* magazine has a large amount of social marketing campaigns that are aimed at changing behaviors. However, this does not reflect a demonstration of social responsibility by corporations as the social marketing campaigns in *Mana* stem from largely state funded institutions. Thus, it remains that the private sector is not engaging with Māori media. While *Mana* differs from the previous case studies in that they are privately owned and not directly government funded, they are similar in that a majority of their income comes from government funded initiatives.

Three advertisements have been selected from the sampled issues. Each of the advertisements represents the three major themes of the advertisements featured in *Mana*. The first advertisement is social marketing for the Auahi Kore-Smokefree organisation. The second advertisement is an example of an advertisement for tertiary education in the advertorial style that dominates this category. The final advertisement is an example of a product advertisement for Designer Headstones.

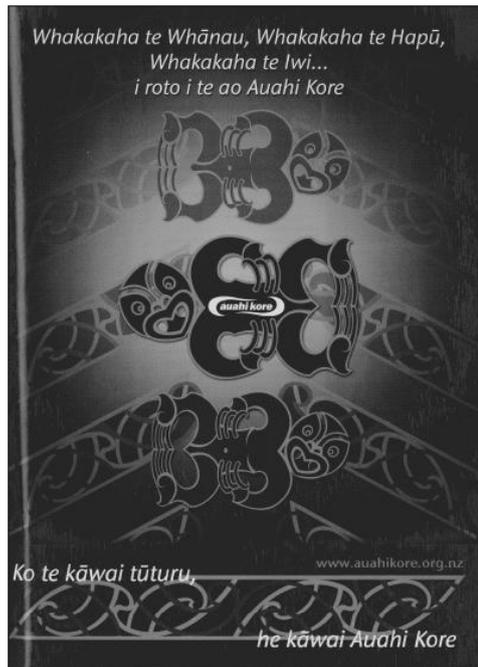


FIGURE 16: AUAAHI KORE ADVERTISEMENT
(MANA ISSUE 84 2008:34)

Auahi Kore is an organisation that promotes being smoke free. This advertisement uses Māori imagery and language to target the Māori audience with their message. The main text translates to English to say “Strengthening the family, strengthening the clan, strengthening the tribe in a Smokefree world”. The text below this reads “A strong bloodline is a Smokefree one”. The text taps into the

concept and importance of *whakapapa* in the Māori worldview. It appeals to Māori to change their behavior by quitting smoking out of moral obligation to their *whakapapa*. The images are in the colour of the Auahi Kore – Smoke free brand, green and blue. The images are contemporary Māori symbols that are recognizable as being distinctly Māori, such as the *tiki* (stylized figure). This advertisement is very clear about their target audience and uses appropriate images, concepts and language. (Mana Issue 84 2008:33).

The second advertisement is for the University of Otago. The advertisements for the University of Otago are always featured on the inside front cover of every *Mana* magazine analysed. With two full pages of advertising at the front of the



FIGURE 17: UNIVERSITY OF OTAGO ADVERTISEMENT(MANA ISSUE 85 2008:I-1)

magazine, this would be considered coveted advertising space for any business as it is highly visible and catch's the immediate attention of the reader as they open the magazine. This advertisement is typical of similar advertising by tertiary institutions in *Mana*. It is in an advertorial style, which presents an editorial which usually profiles a student or staff member, telling their experiences of life within the advertised tertiary institution. Some may not be able to clearly distinguish it as an advertisement, rather as an article about a student or staff member.

This advertisement profiles student Sam Taylor. The ‘article’ presents his journey at the University of Otago and celebrates his successes. His story ends by introducing his *whakapapa* and tribal affiliation to Ngāti Kahungunu. Below the ‘article’ there is an image of Sir Peter Buck, believed to be the first Māori medical graduate and first Māori to graduate from the University of Otago. There is then a statement relating to Māori scholarships that are available. The advertisement doesn’t use Māori imagery or language to target their audience. The image of Buck, references to *iwi* affiliations and attention being drawn to Māori scholarships are the only reference to things Māori. The target audience is obviously Māori but in a more subtle manner as opposed to the clear symbolic approach of the Auahi kore campaign.



FIGURE 18: DESIGNER HEADSTONES ADVERTISEMENT (MANA ISSUE 84 2008:42)

The final advertisement is of a product advertised in *Mana*. While there are a number of products and services advertised in *Mana*, they are generally for

other forms of media, such as Māori television and *iwi* radio stations. This advertisement is one of the few, tangible, consumer goods advertised in *Mana*. This advertisement is for Designer Headstones. The images show headstones which have Māori inspired designs and information regarding the company’s ethos. While it is a simple advertisement, the use of Māori inspired designs on the headstones clearly

demonstrates the desired target market. While it doesn't overtly link to the Māori understandings of death and the high level of importance placed on *tangihanga* (funeral process) and *hura kohatu* (unveiling of headstone), its existence as an advertisement does create this connection.

The three major themes of this case study are the development of social marketing, the lack of product marketing and the use of advertorial styled advertising. The use of advertorial style advertising is a dominant feature in *Mana* magazine with tertiary institutions in particular using this form of advertising. By profiling a member of the community, this may help create a connection with the readers as they are able to see themselves in the story presented. This style creates a sense of a personal conversation between the person profiled and the reader, rather than the institution itself trying to connect with the reader and promoting them directly.

Social marketing in *Mana* is well-developed in terms of the use of language, imagery and linkage to Māori concepts, and well developed from the social marketing present in *Te Ao Hou*. The advertising present in *Mana* shows a conscious, Māori-informed effort to target Māori.

Product and service marketing in *Mana*, however, is under-developed. Although the example provided shows a basic effort to target Māori, it is one of few advertisements that does so. It is apparent that Māori are not a sought after target market and seldom does the commercial sector endeavour to target them.

The stereotyped Māori image seems to have taken over this sector and until a change in attitude and an increased awareness of the potential in the Māori market occurs, it is envisaged that this will not change.

This chapter has explored Māori targeted advertising in New Zealand. The exploration of the evolution of advertising demonstrated a slow evolution, due to the late colonisation and industrialisation of New Zealand compared to that of other developed countries. Overall, the pattern of development in advertising has been the same. The various stages of advertising are evidently clear, with examples from early print media reflecting this. Māori advertising was much slower to develop, which is perhaps reflective of a colonised group and culture that has largely been ignored and systematically assimilated. The case studies presented from *Te Ao Hou*, *Tu Tangata* and *Mana* demonstrate various trends in advertising, most of which reflect the social and political issues of their respective times. The exploration of literature in the subject area, while limited, demonstrated various trends and issues surrounding Māori targeted marketing.

Firstly, there are common beliefs that aid in positive and constructive marketing such as trends in media consumption and the use of community representatives in advertisements. Secondly, Māori should not be treated as a homogenous group, with variations in regional issues and beliefs. Importantly also, they should not be treated in the same way as other Polynesian groups, again with obvious variations in belief structures. Finally, there needs to be a change in attitude by commercial organizations. There must be increased recognition by

these groups of the improved social and economics of Māori. Opportunities exist in the changing Māori demographic and a concerted effort by marketers to understand the Māori market is necessary. The following final chapter will address these issues and develop an ethical framework that will aid advertisers, should attitudes and understandings of the Māori consumer market develop.

CHAPTER SIX: TOWARDS A MĀORI ADVERTISING ETHIC

The previous chapters have outlined the various subtopics of this thesis. In the first chapter, the basic theories of marketing and advertising were explained to lay a general foundation for understanding of marketing to Māori consumers. This chapter also highlighted the difficulties of targeted marketing to ethnic minority consumers, due to the influences of culture and belief systems on decision-making and interpretations of messages. The following chapter outlined Western ethics, from classical deontological to more contemporary theories, such as Fletchers theory of situational ethics. The Māori worldview and various frameworks of ethics according to Māori beliefs and values were then introduced to provide some insight into how Māori may make ethical judgments and decisions. The subsequent chapter critiqued the New Zealand Advertising Standards Authority and drew some conclusions as to the authority's rationale when making decisions on advertisements where race and ethnic minority groups were mostly affected. Finally, the current state of advertising to Māori was investigated using print media case studies spanning 150 years. Major themes and trends were noted to provide a picture of Māori targeted advertising. This contextualisation has, in the present chapter, enabled me to construct a framework for Māori targeted advertising that best reflects Māori *tikanga* and the New Zealand context in the hope of providing ethical and advantageous results for all stakeholders.

This concluding chapter brings together the many strands of this thesis, the marketing strands, the western philosophy strands and the Māori philosophical strands to create a model of understanding Māori marketing ethics. A significant aspect of this chapter and the research as a whole is the matter of education. Currently there is very little research and consideration of ethical matters in regards to ethnic minority consumers in particular in regards to marketing. The findings of this thesis begin an education program for members of the marketing industry and there are several steps and actions this thesis recommends must take place as part of this education process. This chapter outlines these steps.

The chapter aims to provide advertisers with a best practice framework when endeavouring to target Māori consumers. The framework identifies key ethical steps marketers must consider. It is envisaged that this framework will also help in developing similar frameworks for other ethnic minority consumers. The present chapter will also provide recommendations to the ASA on how it can better protect the interests of Māori and other ethnic minority consumers. The chapter will conclude by providing recommendations for future research directions in this area. As previously stated, there is very little research in this area and this thesis highlights several gaps that need to be filled. To begin this chapter, the framework of Māori ethics that has been drawn from the research of the previous chapters will be introduced.

A FRAMEWORK OF MĀORI ETHICS

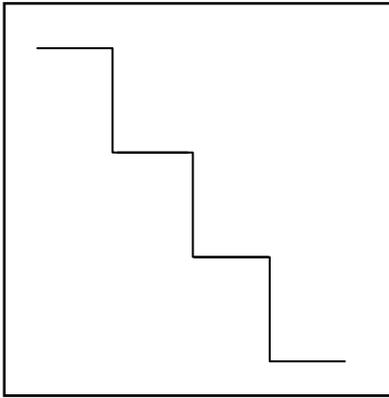


FIGURE 19: POUTAMA

This section begins the development of a framework of Māori ethics in terms of marketing. Comparisons will be drawn with Western ethics and obvious differences will also be discussed. The framework for Māori ethics will be modelled on the *tukutuku* design, the *poutama* (steps). The *poutama* has been chosen for two reasons. The first is its symbolism. The *poutama* represents the growth of people/humanity and striving upwards for excellence (Nga Puna Waihangā 2003:29). Ultimately, this relates to the aims of this thesis, that is, the production of an ethical framework relevant to the advancement of the Māori advertising industry and to strive for ethical excellence. The second reason is due to the fact that, on *marae*, the *poutama tukutuku* panels are often mirror imaged so that the steps come together to form a peak (Nga Puna Waihangā 2003:29). This is important as we endeavour to create a bi-cultural framework which can operate in the New Zealand context. One side of the peak will represent the ethics from a Māori perspective and the other will represent those from a Western perspective. Even so, it is important that a model is formed underpinned by a Māori worldview, as *tangata whenua*. Just as Henare (2001) used the *koru*, the *poutama* is found in all *iwi*, with varying traditions surrounding it. Also, as *tukutuku* are found on *marae* throughout New Zealand it is appropriate that a framework of Māori ethics that needs to function and be applied to various contexts is founded in an active representation of *tikanga* in practice, such as

the *marae*. This ethic will then be explored in relation to advertising ethics and a method developed to apply this ethic in the advertising context.

MĀORI ETHICS & WESTERN ETHICS

Moral philosophy has various competing and complementary ethical viewpoints. When a Māori ethical view is explored in conjunction with an understanding of Western ethics, *tikanga* Māori presents itself as a multi-ethical approach. The following sections highlights important Māori ethical concepts that emerged from the previous chapter's research and compares and contrasts these with Western ethical approaches.

TELEOLOGY AND WHĀNAUNGATANGA

The collectivist culture of Māori, expressed in concepts of *whanaungatanga* and in the importance of *whakapapa*, allows for teleological similarities to be drawn. Henare (2001) and Mead (1997) both highlighted this important aspect of Māori society. Consequentialism, in particular utilitarianism, states that the greatest 'good' must be achieved for the greatest number. Māori ethics are similar, in so far as the welfare of the collective *iwi* or *hapū* is paramount to that of the individual. Any decisions made must be for the greater 'good' of the collective, which is the greatest number.

The major issue with teleological ethics for Māori in a post-colonial society is that as a group, they are a minority. Therefore, if utilitarianism was the dominant form of ethics in New Zealand, Māori would not receive 'good' ethical treatment as they are not the 'greatest number'. The Treaty of Waitangi guarantees equal rights and treatment for Māori, meaning Māori, in theory at least, should contribute equally to any decisions made and perceived consequences experienced.

Therefore, in the New Zealand context, teleological ethics must form only one aspect of any advertising ethical framework, as there are two ways of interpreting teleological ethics. Firstly, within the Māori population, teleologically, the collective is paramount and therefore any marketing must focus around the 'good' of the 'group' that is being targeted. Secondly, when the New Zealand population as a whole is considered under the teleological lens and in accordance with the Treaty of Waitangi ethical considerations in relation to Māori cannot be lost within the general will of the population.

KANT AND KAUPAPA

Deontology focuses on the ethical motivations of an action. Kantian ethics states that the motives of an action must be solely based on reason and obligation. Reason in Māori ethics is determined by exploring the precedents set in Māori traditions and actions of ancestors. These *kaupapa* or first principles provide the *tikanga* (as outlined by Marsden [2003:66]) and determine the ethical

approach of the action. The obligation that Kant describes is determined in a Māori sense by *whakapapa*. Māori, as Māori, have rights and obligations. Their obligations are firstly to their collective groups, their *hapū* and/or *iwi* and ultimately to all people and living things as stated by Henare (2001:223). In modern society, this obligation for Māori may only extend to the *whānau*, or family group, as ties with *hapū* and *iwi* have been severed due to the process of colonisation. However, there are certainly strong ties for many Māori to their *iwi* and *hapū*, and post-colonial society and ethics, as discussed by Smith (1997) in regards to Kaupapa Māori theory, asserts there is a responsibility to improving the Māori social condition. An example of this ethic in practice is the use of and adherence to *rahui*. *Rahui* were established to protect resources or areas for the benefit of the collective. To break this *rahui* is to break an obligation to the larger group.

Kant's Categorical Imperative theory asserts that for an action to be ethically correct, they must be universal. A core principle of this is that humans must be viewed as the end, not as a means to an end. This aligns with the Māori obligation to kinship groups, as the well-being of the collective group, be it *whānau* or *iwi*, is paramount. Also, Kant's Categorical Imperative is the respect for the dignity of the individual. Mead (1997: 351) discusses *mana* in his final ethical test, and highlights the protection of an individual's *mana* and by association the *mana* of their *whakapapa* as an important ethical consideration. The preservation of *mana* is the preservation of dignity. Another concept that is related to these principals is that of *utu*. The expectation is that the action or

behaviour will be reciprocated. Therefore, you would treat someone in the manner that you would be expected to be treated, as according to *utu*, which will be reciprocated back to you.

VIRTUE AND MANA

Virtue ethics and its relationship to Māori *tikanga* are well explored by Perrett and Paterson (1991:185-202). A major failing in their hypothesis is the law of *tapu* and aspects of *tikanga* such as *kawa*. At the centre of Perrett and Paterson's (1991) theory is the suggestion that Māori ethics is not focussed on a set of explicit rules, rather it is an ethic of being. The law of *tapu* and *kawa*, however, have very explicit rules and protocols. So much so, that if these rules are broken, a misfortune is predicted to fall upon the persons that have breached them. While *tapu* and *mana* are very closely related, and the discussion by Perrett and Paterson (1991) around *mana* in relation to leadership is well-formulated, their lack of understanding of the laws of *tapu* diminishes their hypothesis. The required skills and virtues of Māori leaders have also changed, due to colonisation and a changed New Zealand society. Individual needs have been prioritised such as education and employment, however, contemporary leaders must still fulfil roles that benefit the collective (Ka'ai & Reilly 2004:96). Virtue ethics is an ethic of being, therefore it questions motivations and the nature of the person. Applied to marketing, it would ask whether a company or marketer is acting and 'being' in a virtuous manner. In regards to Māori ethics, this asks whether they are acting with *mana* or integrity. This calls into question the company's ethics and also their understanding of social responsibility.

JUSTICE AND EA

The discussion of justice as explored by Rawls and Jackson have interesting contrasting features. Jackson discusses this plainly, by asserting that the adversarial style of western justice conflicts with a Māori concept of justice. The distribution of justice in the Māori worldview is the restoration of *ea*, balance. Rawls asserts that fairness can be found in treating each group equally, or from 'under a veil of ignorance'. A core aspect of a theory of justice is that the same sets of rules should apply to everybody and similar cases should be treated in a similar manner. Precedents in the Māori world are also important and are considered the *kaupapa* or first principles which guide people in developing an appropriate *tikanga* for various situations.

What is important to understand in the New Zealand context is the imbalance that is already present due to colonisation and injustices in relation to the Treaty of Waitangi. Opposing groups, such as Māori and Pākehā can not be necessarily viewed equally as one as been significantly disadvantaged compared to the other. It is therefore important that in issues of justice, that balance must be found, and this may mean understanding the relative positions of the groups. Māori, for example, are an ethnic minority in New Zealand and are over-represented in negative statistics, therefore their position, in general is not equal to Pākehā. Here is a classic example where justice, as defined through an egalitarian approach, is confronted by an already biased system and the arguments provided for preferential treatment. From a perspective that takes

into account the realities of colonial history, a veil of ignorance is counter-productive and does not allow for disadvantaged groups to be treated fairly.

Comparing and contrasting Māori and Western ethics has provided a greater understanding of the workings of both. While some aspects of *tikanga* have companions in a Western ethical theory, there are certainly some opposing viewpoints. The following section will introduce the framework of Māori ethics created by the researcher, using the various ethical theories introduced, to provide guidance for marketing managers in engaging with the Māori community.

TE POUTAMA TIKA: A PRESCRIPTIVE MODEL OF MĀORI ETHICS

Between the Māori theories that have been explored there can be found several common concepts and ideas that distinguish Māori ethics. These concepts will be formed into a Māori ethical framework, modelled on a *poutama* that has five steps. Each step provides a concept that must be considered when determining an ethical approach to any context. This model is similar to the Prototypical Normative Model by Gene Laczniak and Patrick Murphy (1993:49-51) in that it incorporates various ethical viewpoints. Laczniak and Murphy's model poses a series of questions, each with an ethical viewpoint, that must be answered by the marketing manager. A 'yes' answer to any of the questions highlights an ethical issue that must be resolved before the manager can move ahead with the proposed action. This model is also similar to the five test framework presented

by Mead (1997:335-351), in that he presents concepts that must be considered to expose a Māori viewpoint concerning an issue. The concepts that have been chosen for 'Te Poutama Tika' are derived from the common concepts that have been presented across all of the frameworks explored. The concepts will be briefly introduced and then followed with an in-depth exploration of their ethical considerations and applications.

The first step is *whānaungatanga*. This ethic is central to the kinship relations and obligations Māori have to their kinship groups. The next step is the ethic of *kaitiakitanga*, this relates to the caring and protection of resources and ultimately all people. The third step relates to the important concept of

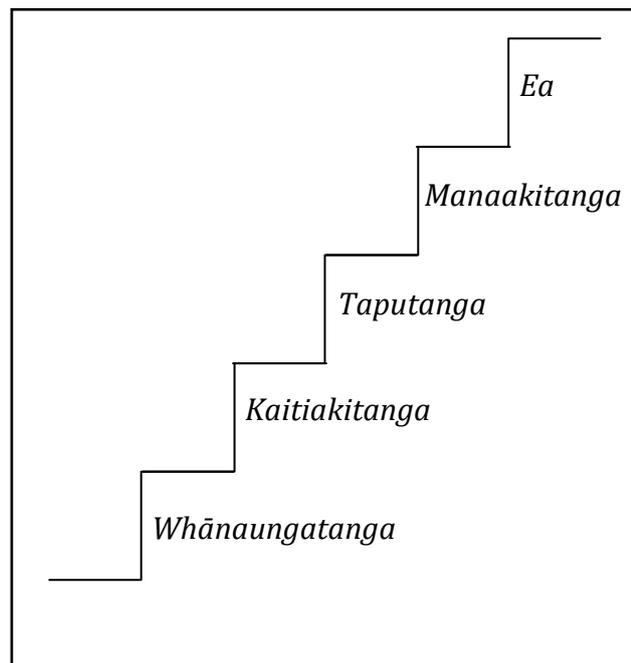


FIGURE 20: TE POUTAMA TIKA

taputanga. The laws of *tapu* are established to protect and manage relationships between different groups of people and between people and nature. It is imperative that this maintained and protected. The fourth step is the concept of

manaakitanga. The ethic of *manaakitanga* is one of caring for others and is imbued with the concepts of *aroha* and *awhi*. The final concept is that of *ea*. *Ea* is the ethic of seeking balance.

When applying this framework to a marketing situation, each concept presented must be explored in relation to the action that is proposed by the marketing manager. The action must fulfil the requirements of each of the concepts and therefore a range of questions must be answered.

Whānaungatanga is the Māori ethic of kinship and ensuring the best result for the collective. These are aspects of the ethic of teleology. When applied to an marketing ethical situation, the marketing manager must explore the consequences of the proposed action and the benefits or negative effects the action may have on the collective group. The proposed action must not negatively affect Māori and must provide the most benefit. This can also be applied to the type of the product that is being marketed or the type of advertising that is being used.

Kaitiakitanga is the ethic of guardianship and requires a marketing manager to consider the protection of resources and ultimately Māori as a collective. This concept relates closely to the concept of social responsibility in a Western worldview. Resources can be viewed as tangible and intangible aspects of the Māori world view, just as the concept of *taonga* was expressed in the Treaty of Waitangi. This includes Māori belief systems, values, identity and aspirations.

Currently the trend for social responsibility is closely related to environmental and health issues, however social considerations such as the protection and maintenance of identity and aspirations are important in this situation. The marketer must consider whether the proposed action will maintain and protect Māori resources.

Taputanga is the maintenance of *tapu*, the laws well documented and maintained within Māori communities. *Tapu* is closely related to the concept of *mana*, and therefore the protection and maintenance of *mana* is important within this ethic. This is similar to the considerations of the ASA which stress the importance of ensuring that all laws within New Zealand must be used in conjunction within any codes of ethics, as they provide the foundation for best practice. *Tapu* in a Māori worldview is a law and therefore must also be considered. The marketing manager must consider whether the proposed action will transgress any laws of *tapu*. While it may be impractical for a marketing manager to understand all of the prohibitions and restrictions associated with *tapu*, it is important for the manager to recognise the ethics and codes that are relevant to Māori and consider them as important as those laws of *tapu*.

Manaakitanga is the ethic of caring and is closely related to the Western ethic of deontology, that is, the intentions of an action. At the centre of the concept of *manaakitanga* are the concepts of *aroha* and *awhi*. Here the marketing manager must consider whether their motives are in line with the concept of

manaakitanga which is an upmost care for the well-being of the person through moral and practical means. If the intentions of the marketer contradict the ethic of *manaakitanga*, that is, they do not intend to care for the person and demonstrate love or respect, ethically the action is defective. Māori view *manaakitanga* as an obligation, therefore the marketer is obliged to care for and respect Māori. While marketers have a primary goal of obtaining the best result for the company, that being of course the 'bottom line', this goal can be achieved in a manner that cares for and respects their consumers. Also, there are aspects of the marketing world which can express this more directly, such as sponsorship of social and cultural events which demonstrates the practical expression of *manaaki*.

The final concept is *ea*. *Ea* is significant in discussions of justice and equality. It considers concepts such as *utu* and *murū*. Here the marketer must consider the fairness of the proposed action and whether there will be balance in the exchange that may be potentially created by the action. As was discussed previously in regards to *utu* and exchange, there must be reciprocity and maintenance of *mana* in matters of exchange. If there is an imbalance in the exchange, one of the parties is being disadvantaged and is not receiving equal treatment. It is also important to understand the situations of those groups considered in the action and the fairness of the action relative to their situations. Māori justice does not consider 'a veil of ignorance' to be fair, rather it further disadvantages those that are disadvantaged.

These five concepts have been found to be the most common and encompassing of a Māori ethic. They provide coverage of all areas of *tikanga* and have been used in this framework to provide a more prescriptive approach for marketers endeavouring to engage with Māori communities. The reason for a prescriptive rather than a descriptive approach is due to the lack of research and knowledge in the area. It is evident that there are very few considerations of Māori and ethnic minority ethics in regards to advertising and marketing; therefore, an approach that is clear would be more beneficial than an approach that may be more open to interpretation. Codes of ethics are much the same; they are clear about their application and relevance to their respective areas. However, it has been noted that the ASA has gaps in their Codes of Ethics that leave room for interpretation and therefore exploitation of certain aspects of advertising ethics. The following section provides recommendations to the ASA regarding their processes and codes of ethics.

RECOMMENDATIONS FOR THE ASA AND MARKETING INDUSTRY

Marketing ethical theory and Māori ethical theory have demonstrated that a multi-ethical approach is the most appropriate way of considering ethics in an advertising context, particularly one that is targeting Māori and other minority consumers. However, at the foundation of the ASA is an ethic of teleology, that is, the greatest good for the greatest number. This is specifically represented in the use of the phrases “widespread offence” and “generally prevailing community standards”. Hence, the will of the majority is of greatest concern and value to the ASA’s decision making practices. As previously discussed, a

teleological approach in terms of the general population does little to account for minority groups, as they can never hold a majority view nor qualify for the condition of “widespread offence”, despite the fact that a breach of standards may hold widespread offence within a particular minority community and contradict the community standards of a minority group. What this shows is that the ASA does not protect ethnic minority consumers and therefore this section will provide several recommendations to the ASA to improve the current situation. These recommendations are the creation of a new code of ethics, a guardian body to work with the ASA and ASCB and the development of the concept of social responsibility throughout the marketing industry.

CODE FOR ETHNIC MINORITIES

Currently, the ASA has a teleological approach that does not work for ethnic minorities. This thesis recommends that a *Code for Ethnic Minorities* is created to set a benchmark for ethical behaviour concerning advertising that relates to ethnic minorities. From a proactive perspective, this code will inform marketers as to their expected ethical behaviour and from a reactive perspective it provides ethnic minority consumers with a code to which they can refer to when laying a complaint. This code will create a more balanced and fair process for ethnic minorities which specifically relates to the concepts of justice and *ea*.

Harker and Harker (2000:157-159) address the development of codes of ethics in self-regulatory bodies. They state three stages of code development, the first being the consultation stage. This stage requires there to be consultation with

all interested parties, however, Harker and Harker also state that if the code appeared to be created and imposed by 'outsiders' it was less likely to get "practitioner commitment" (2000:157). This then suggests that consultation does not necessarily mean participation in the creation of the code. For a *Code for Ethnic Minorities* to be created it would be important for academics and community leaders that specialise in the ethics of ethnic minorities to be consulted during its creation. Also, in New Zealand in particular, government agencies such as the Human Rights Commission and the Department of Māori Development should be consulted. The second stage is the drafting stage. It is suggested that the language used in the code should be "clear and unambiguous" (LaBarbera 1980:33) to ensure defined boundaries and applications for the code. It is also suggested that before the draft process is complete and the code is administered, it must be accepted by *all* interested parties (Harker and Harker 2000:159). It is also recommended that the codes are reviewed regularly to maintain relevance and practicability. The final stage is the dissemination of the code, where the code is publicised and therefore ensures that the opportunity will exist for executives to abide by it and consumers to address it if required in any complaints made (Harker and Harker 2000:159).

This thesis recommends that the Code would highlight the *Human Rights Act 1993*, specifically Sections 61 & 63 and also the *New Zealand Bill of Rights Act 1990*, specifically Section 20. These pieces of New Zealand legislation are most relevant to the rights of ethnic minority groups and should be publicised as to

their relevance within the code. It is also important that the wording of the code affirms the rights of the ethnic minority consumer, recognising their specific community standards and value systems. For example, it would be appropriate to state “generally prevailing community standards of the community in question” and “widespread offence amongst the community in question”. This then allows for an ethnic minority voice to be heard and considered irrespective of its size.

KAITIAKI OF ETHNIC MINORITY CONSUMERS

A recommendation of this thesis is to create a governing board whose mandate is to protect the interests of ethnic minority consumers. This board of *kaitiaki* comprise of representatives from ethnic minority communities throughout New Zealand. It is important that these board members have in-depth knowledge about the communities they represent, specifically their worldviews and ethical behaviours.

It is envisaged that this board will be employed in several ways. The board could act in a consultative fashion for businesses and marketers endeavouring to engage with ethnic minority consumers. These board members would also be used to inform and educate the ASA, particularly when the ethnic community they have knowledge of is involved in a complaint. These members will be able to clarify cultural issues and represent the view of the ethnic minority consumer to other board members. This will provide a fairer decision making process for

ethnic minority consumers as board members are educated as to their point of view with the guide of a member of the community.

A significant role of this board, aside from their role as guardians of ethnic minority interest and rights, is as educators. The board will be proactive in informing and educating the marketing industry and not solely act as a reactive board, called upon when it is essentially too late. While the ASA provides an important function in regards to hearing complaints, the action that has been deemed unethical or against the codes of ASA has already happened. The board can act as a preventative body through education and providing a consultation service to the industry.

SOCIAL RESPONSIBILITY & SOCIAL ASPIRATIONS

This thesis also recommends that the marketing industry develops their definitions of social responsibility to include the aspirations and development of minority groups. It would be socially irresponsible to encourage stereotyping and ignore the aspirations of a group of people. The reaffirmation of historical stereotypes is counter-productive to the development of minority ethnic groups, which as previously discussed are often socially, politically and economically disadvantaged. The ASA could be a leading institution in the eradication of damaging stereotypes, rather than allowing their existence through the use of their codes of ethics.

The ASA provides a necessary ethical service to the New Zealand advertising industry, however, there are certainly gaps in their decision making processes and the codes of ethics that require research and recommendations. The above recommendations aim to provide better and fairer support to ethnic minority groups. The following section further develops the education process of the marketing industry in engaging specifically with Māori consumers by introducing Māori marketing perspectives and processes.

ETHNIC MARKETING & MĀORI MARKETING

Ethnic marketing is based on segmenting the market according to ethnicity and targeting these groups as to their perceived wants and needs. This means treating ethnic consumers as separate and distinct from that of the larger mainstream consumer market (Pires & Stanton 2005:3). This in itself can be viewed in a positive light, as ethnic minorities will receive tailored, appropriate marketing that recognises and reflects their unique worldviews and addresses their needs and wants. However, there are certainly issues with this approach as identified by critics such as Cahill (2006).

Cahill (2006) asserted that ethnicity is not a robust enough segmentation criteria, as ethnicities change over time and are influenced by such a wide variety of factors, such as intermarriage, miscegenation and geography. This is similar to Hall's (cited in Cohen 1999) exploration of ethnicity and what he called 'new ethnicities'. The concept of 'new ethnicities' recognises the fluidity of

ethnicity highlighting that it is not a fixed entity as conceived of within the biologically determined notions of 'race' that historically monopolised theories of social difference. Instead, ethnicity can change and be multiple within ethnic groups and, indeed, the individual themselves, and is influenced by factors such as politics and social consciousness. It is essential then that for ethnic marketing to be successful, robust theories on ethnic identity and identity development be incorporated into the practice of ethnic segmentation. It must also be recognised that there are a range of different degrees of ethnic identification and therefore within the chosen ethnic market, there are several unique niche markets.

Segmentation of markets into ethnic groups has highlighted several issues, particularly in regard to degrees of identification. However, the major theme that can be drawn from the literature is that there must be considerable research into belief structures and worldviews to determine appropriate methods of approaching various unique social groupings. The following sections explore culturally appropriate methods of understanding and approaching the Māori consumer market.

MĀORI MARKETING: FIRST STEPS

In the first chapter, marketing was defined simply as a transaction or exchange. A further developed definition presented marketing as a social and managerial process that is used by individuals and groups to obtain what they need and want by creating and exchanging products and value with others (Kotler,

Brown, Stewart & Armstrong 2004:8). As concentrated or niche marketing, obviously the aim of Māori marketing would be to create a marketing campaign focused on the Māori segment. This section explores what marketing means and how it may develop in a Māori context and from a Māori perspective. Succinctly, this section will determine what the concepts of exchange, needs and wants might look like from a Māori worldview.

Exchange in the Māori worldview can be viewed in relation to the concept of *utu* and the further developed concept of *tau utuutu*. *Utu* has historically been defined too simply as revenge, due to its usage in discussions of justice and the restoration of balance. However, *utu* has been associated with gift-giving and exchange and is also understood as reciprocation. That is, there is an expectation that there will be a return gift in the future (Mead 1997:181). *Tau utuutu* is a concept developed from the practice of speech-giving (*whaikorero*) on the *marae*. This is where the speakers from the *tangata whenua* and the speakers from the *manuhiri* alternate, matching one for one, until finally the *tangata whenua* have the last speaker (Mead 1997:121). This can be understood as the process of reciprocity. Māori systems of exchange would be considered in marketing terms examples of restricted exchange, in that there are only two parties involved. In regards to gift-giving, the return gift must be of equal or greater value than the gift initially received. This is to ensure that the relationship is cemented and the exchange partner is satisfied. Also, the principle of gift-giving is to add *mana* to the partners and should never diminish it (Mead 1997:182-183). If we were to explore this in terms of *tau utuutu*, the

tangata whenua have the last speaking position to maintain their *mana* and that of the *marae*. If this were applied to a marketing exchange between Māori and a business, Māori being viewed as *tangata whenua* and the business viewed as *manuhiri*, it would be Māori that complete the exchange.

Mead (1997:184) discusses this process of exchange by stating that the:

Principles of reciprocity, equivalence and manaakitanga mediated by whakapapa, mana and relationships guided the actions of gift-exchange partners. Hagglng over whether a gift is appropriate or not was not a part of traditional gift-giving. The donor needed to make a wise judgement as the responsibility for the selection of the gift was placed squarely on the shoulders of the party presenting the gift. Negotiation by hagglng was not regarded as 'good grace' or as tika.

Exchange was/is governed by *tikanga* and most importantly, by fairness in value and maintenance of *mana*. A business must understand fully the notion of Māori exchange, that is, the appropriateness of the product and service being offered and their expected return. 'Hagglng' is viewed as inappropriate and therefore marketers must get it right the first time.

Satisfying human needs and wants is the aim of creating marketing exchanges. Abraham Maslow's original hierarchy of needs which has five-tiers is widely used as the model for identifying human needs. Since its creation, other theorists have developed larger more complex models; however, many suggest Maslow's original is still adequate.



FIGURE 21: MASLOW'S HIERARCHY OF NEEDS (PROJECT MANAGEMENT COURSE 2005-2009 [ONLINE])

The theory asserts that once each of these needs are satisfied, beginning from the base of the triangle to the top, it no longer motivates a person and therefore they move up the model to the next level of need. The model places basic physiological needs, such as satisfying hunger and thirst, as the first and most important. This is followed by notions of security such as living in a safe neighbourhood, or having job security. The next is social needs, such as belonging to a group, having friendship and experiencing love. The penultimate level of need is that of esteem. This need relates to recognition by others, social status and self-respect. The final level of need is called self-actualisation. This is understood as reaching your full personal potential, some suggest that this need is never fully realised as people reset goals and encounter new experiences (Koontz & Weihrich :290-292).

A classical conception of Māori needs may differ slightly from Maslow's hierarchy. While basic human physiological needs will certainly be important as it is necessary for human life, social needs are certainly significant. *Belonging*, for Māori, is the equivalent of *being*. *Whakapapa* ensures this; therefore, social

needs may not necessarily be viewed as a need, rather it is an aspect of the Māori world that, while certainly complex in a modern society, is inherent to being Māori. Social need also relates to the giving and receiving of love, or *aroha*. This aspect of the Māori world is not a *need* but viewed as a responsibility, an obligation borne from *whakapapa* or a duty to provide for guests. Maslow's model focuses on the needs of the individual. While Ka'ai and Reilly (2004:96) suggest that individual needs have been prioritised over collective needs due to the impact of colonisation, it could be asserted that as Māori recover, revitalise and regroup, collective needs may return as a priority. Certainly, the needs of the *whānau* are still emphasised as important in the modern world. Esteem needs and self-actualisation needs would be viewed in terms of *mana tangata* in the Māori worldview. *Mana tangata* is emphasised in terms of leadership and the *mana* one gains from the recognition and respect extended to them from others as they excel in their areas of expertise.

For marketers to create exchanges to satisfy perceived Māori needs, they must be guided by *tikanga* and with an understanding of the Māori worldview. Given the concepts of *utu* and *tau utuutu*, it appears that the ritual of encounter, the *pōwhiri*, a process guided by strict *kawa* and *tikanga* may provide effective principles for marketers to approach the Māori market. The classical process of the *pōwhiri* will be introduced and the guiding principles of this process exposed.

MĀORI MARKETING: APPROACHING THE MARKET

For centuries the *pōwhiri* has guided interactions between two groups as they enter on to the *marae*. The various processes that occur during the *pōwhiri* are guided by the *kawa* that is specific to that *marae* and *tikanga* that allows for a safe interaction to occur. This process will provide us with a helpful model for prospective marketers as they attempt to engage with the Māori community. This process may also be helpful for addressing some of the initial ethical concerns associated with ethnic marketing.

The primary purpose of the *pōwhiri* was to determine the intentions of the visiting group. Contemporarily, the *pōwhiri* is a welcoming ceremony, as the possibility of visiting war parties has diminished (Higgins & Moorfield 2004:77). The *pōwhiri* may begin with a *wero* (challenge) being performed by the *tangata whenua*. This *wero* was central to determining whether the *manuhiri* came with peaceful or hostile intentions. Nowadays the *wero* is ceremonial and is usually reserved for honoured guests. The *wero* is then followed by the *karanga*. The *karanga* is an exchange of calls between the women of the two groups, *tangata whenua* and *manuhiri*, and is usually initiated by the women of the *tangata whenua*. The *karanga* gathers basic information about the two groups and also acknowledges the object of the visit and those that have passed on. The groups are then seated and the *whaikōrero* begin. There are two *kawa* that guide the *whaikōrero*, *tau utuutu*, which has already been discussed, and *paeke*. *Paeke* is the practice whereby all of the *tangata whenua* speak, followed then by all the

speakers from the *manuhiri*. After each *whaikōrero*, a supporting song is usually sung. At the conclusion of the *whaikōrero*, a *koha* (gift) is usually given by the *manuhiri* to the *tangata whenua*. *Koha* that are laid on the *marae* are acknowledged by the *tangata whenua* and there is an expectation that this *koha* will be reciprocated in kind. The groups then come together and perform the *hongi* and *hariru*. This act symbolises the exchanging of breath and concludes the formal proceedings of the *pōwhiri*. However, to fully complete the ritual of encounter, the groups must come together and share food, this is to lift the *tapu* of the proceedings and allow the groups to interact free from those restrictions (Higgins & Moorfield 2004: 77-82).

There are several guiding principles that can be found in this process. Ultimately, the process is governed by *tikanga* and *kawa* which is determined by the hosting group. This highlights the need for a Kaupapa Māori approach to marketing and advertising specific to Māori. The *wero* demonstrates the need to assess the intentions or motivations of the visiting group, this highlights a deontological ethic. Reciprocity of exchange is also a feature of the *pōwhiri*, through *karanga*, *whaikōrero*, giving of *koha* and the *koha*. This demonstrates that a series of exchanges must occur, rather than a common marketing approach that aims for one type of exchange. Also, central to these exchanges is the maintenance and preservation of the *mana* of the *tangata whenua* which in the marketing context would be Māori. With these guiding principles in mind, a process for marketers to take their first steps into engaging with the Māori consumer has been developed.

The marketing approach to ethnic minorities highlighted five ethical issues, inadvertent stereotypes, biology and genetics, nature of the product, redlining and ethnocentric bias (Pires & Stanton 2002:114). Central to addressing these five issues is to address the intentions or motivations of the marketer. This deontological ethic is but one part of an overall ethical approach to marketing to Māori, but perhaps the first and most important consideration to be made. The marketer must decide what their intentions are when they are approaching the Māori market. This is similar to the guiding principle of the *wero*. If their intentions are to promote a harmful product, use stereotyping and basic biological characteristics to send messages, use their product or marketing to isolate one group in a harmful way or approach the market solely from an opposing worldview, without considering that of Māori, then this would be considered hostile intentions. The marketer may not enter the market. However, an approach that is made with good intentions, that is, a product that is not harmful for Māori, a keenness to explore new realities and a Māori worldview would be viewed as peaceful. By taking up the *taki* the marketer may take their first step into the market.

As identified in the first chapter, the first part of the marketing process is to identify any current and potential needs and wants within the market, followed by identifying the unique characteristics that distinguish the segment and lastly forecasting the potential of these segments (Etzel *et al* 2007:143). Here research is conducted to explore the Marketing Mix, that is, the product, placement, promotion and price considerations of the marketer (Boaz 1999:2). Researching

consumer behaviour and the buying behaviours of Māori consumers is vital to the success of a marketing campaign. This comprehensive research must include an understanding of the Māori worldview and as Cui (2001:30) firmly recommends it is vital to avoiding 'marketing blunders'. What is important to recognise throughout this research is that a series of exchanges are taking place. There is certainly a wealth of literature regarding appropriate methodologies for researching Māori and other indigenous communities, particularly that of Linda Tuhiwai Smith and her Kaupapa Māori approach. At the core of these approaches is the maintenance of the *mana* of the group being researched. Market researchers should consider educating themselves in these methods to ensure safe interactions for everybody.

Following these initial steps into the Māori market, the framework of Māori ethics would be implemented as marketing managers begin to develop their marketing activities. 'Te Poutama Tika' provides further guiding principles to aid marketers in their decision making process relating to marketing activities such as the types of advertising used, the design and implementation of their advertising and their ethical behavior when addressing Māori consumers. As such, the goals of this thesis have been achieved. However, this thesis has also exposed the significant lack of research in this area. The following section will outline the limitations of this research and provide recommendations for research in the future.

LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH

This research has explored three schools of thought, marketing, moral philosophy and *tikanga Māori*. As such, there are many issues that have emerged that could not be fully explored. A significant issue is the much larger philosophical question which asks whether targeted marketing or advertising to Māori is 'right' or '*tika*'? For this thesis to achieve its goal of developing a framework of Māori ethics for advertising the perspective was assumed that advertising and marketing to Māori is occurring and will increase in the future as the segment of the Māori population with disposable income is realised, therefore, it was more important to determine how it can be implemented in a manner that was culturally appropriate to Māori. There were certainly examples given in Chapter One regarding ethical issues that arise when targeting ethnic minority consumers, however, further research in this area may develop understanding regarding the philosophical underpinnings of marketing to these groups.

As previously stated, the goal of the thesis was to develop a framework of Māori ethics for advertising. Therefore, when philosophical comparisons were made between Western theories and Māori theories, it was done so with this in mind. It was important that the comparisons explored the application of the theories, rather than the strength of their moral arguments, also whether the Western theories or parts of these theories are present in *tikanga Māori*. This means that the theories when analysed in this way are explored in the Māori world, not universally.

Due to the significant lack of research in this area, developing case studies was important to provide some foundation with which to build an understanding of Māori advertising upon. The choice to only focus on print media was determined by the stability of the medium and the lack of space to fully explore all forms of media. With this decision was a choice to only focus on several examples, within specific time periods, which again was made due to stability and the physical limitations of a Master's thesis. What this points to is a need for the development of a field of research in Māori advertising, specifically in regards to content analysis of all forms of media.

What is evident from this research is that the marketing industry needs to begin concerted efforts in understanding the Māori market, which has the potential to grow into an important market in New Zealand's consumer society. There certainly needs to be more research into the Māori market, exploring spending habits and consumption of media. This research should also be viewed in regards to the potential in the market, rather than reaffirming any stereotypes that may be present, and to recognise the aspirations of the Māori community to develop and excel further. Further research needs to be conducted to explore the potential influences of *tikanga*, *whakapapa* and other Māori values on decision-making and perceptions of advertising. Undoubtedly, the Advertising Standards Authority needs to develop research and methods of measuring community standards and how they determine widespread offence. Overall, an

increase in academic research in the subject of Māori centred advertising and marketing would be beneficial to the future of Māori development in New Zealand.

‘Te Poutama Tika’ has been developed to support the development of a Māori-centred approach to marketing and specifically advertising. The framework will help inform a marketing industry that has little to no information with which to understand the Māori consumer and develop strategies which are culturally appropriate. The recommendations that were made to the marketing industry, such as the board of *kaitiaki*, the development of a *Code for Ethnic Minorities* and the introduction of a broader, more productive understanding of social responsibility are all in an effort to educate an industry that currently does not cater for the needs of Māori and other ethnic minority consumers. The application of guiding principles, informed by *tikanga* Māori and developed using Māori frameworks is essential for Māori development and the development of the marketing industry in New Zealand.

CONCLUSION: THE FUTURE OF MĀORI ADVERTISING

This thesis has addressed several issues in, not only marketing, but in the all areas of business. One issue in particular, is the general attitude that Māori as a consumer group are not viewed as a desirable market to be targeting. The view of this thesis, expressed in the Introduction, is that the Māori market is perhaps one with the most potential in New Zealand. With an increased presence in politics, which then flows into other areas such as social development, education and health, Māori are emerging as an equal partner in New Zealand, as was agreed to in the Treaty of Waitangi. While it may appear optimistic to suggest that all of the problems that Māori have faced and continue to face will be solved within the next decade, the fact cannot be ignored that a Māori middle class has emerged and will continue to refine itself (Courtney 2008). Therefore, a business executive cannot ignore the potential the Māori market has.

This thesis is in anticipation of the event when business executives realise the enormous potential of the Māori consumer. This thesis acts as a guide for these executives as they endeavour to approach the Māori market in an ethical, *tikanga*-centred way. Repeatedly throughout this thesis, experts in ethnic marketing and cultural ethics have stated that to enter a market with a unique culture you must understand the culture, beyond the basics of language and visible processes. Culture was demonstrated as affecting decision-making processes, ethical perception and perceived needs and wants. It can be

anticipated that should the executive have a 'marketing blunder', Māori will collectively ignore the business and move towards another business that is able to cater to their values and respects them.

'Te Poutama Tika' introduces Māori concepts that are central to the way Māori evaluate situations, determine courses of action and perceive morality. Should an action, event or situation fail to satisfy the requirements of these concepts and essentially, a Māori ethical perspective, it will not be successful and may even be damaging. The framework is an initial step in helping marketers understand and develop best practices when creating exchanges with Māori. It is a framework that bridges the cultural divide by balancing Māori and Western ethics to provide a mutually beneficial and ethical exchange.

The thesis also considered the work of the Advertising Standards Authority and highlighted several gaps and issues in the work that they do as an ethical institution. It was apparent that ethnic minority consumers were not catered for or protected in their processes or codes and therefore recommendations were put forward to help not only Māori but all ethnic minorities in New Zealand.

Māori advertising compared to that of mainstream advertising is in its infancy. The case studies presented demonstrated this and it is further evidenced in the

lack of academic research available on the topic. It is hoped that this thesis has provided an initial step in this area and provides encouragement to those endeavouring to recognise Māori as a viable, legitimate consumer in a modern society

APPENDIX 1

ADVERTISING CODE OF ETHICS

1 August 1996

BASIC PRINCIPLES

1. All advertisements must comply with the laws of New Zealand.
2. No advertisement should impair public confidence in advertising.
3. No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer.
4. All advertisements should be prepared with a due sense of social responsibility to consumers and to society.
5. All advertisements should respect the principles of free and fair competition generally accepted in business.

RULES

1. **Identification** - Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it must be presented so that it is readily recognised as an advertisement.
2. **Truthful Presentation** - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).
3. **Research, Tests and Surveys** - Advertisements should not use tests and surveys, research results or quotations from technical and scientific literature, in a manner which is misleading or deceptive.
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).

6. **Fear** - Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.
7. **Violence** - Advertisements should not contain anything which lends support to unacceptable violent behaviour.
8. **Denigration** - Advertisements should not denigrate identifiable products or competitors.
9. **Testimonials** - Advertisements should not contain or refer to any personal testimonial unless it is genuine, current, related to the experience of the person giving it and representative of typical and not exceptional cases. The claims in the testimonial should be verifiable.
10. **Privacy** - Unless prior permission has been obtained an advertisement should not portray or refer to any persons, whether in a private or public capacity, or refer to any person's property, in a way likely to convey the impression of a genuine endorsement.
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.
12. **Safety** - Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

Code for People in Advertising

1 May 2001

BASIC PRINCIPLES

1. Advertisements should comply with the laws of New Zealand. Attention is drawn to the Human Rights Act 1993 and the New Zealand Bill of Rights Act

1990.

2. Advertisements should not portray people in a manner which is reasonably likely to cause serious or widespread hostility, contempt, abuse or ridicule.
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.
5. Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.
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.

Note: Attention is drawn to the Code for Advertising to Children.

APPENDIX 2

DECISION

Meeting 8 April 2008

Complaint 08/139

Complainant: R. Salt & Others

Advertisement: Brandex Adventure Sports Ltd - Skins™

Complaint: The script in the television advertisement (Key: SK15477 30) for Skins™ technical compression sports wear, contained the following statements made by a series of Black athletes:

“We’re faster, we got more skill, we got the stamina. You know when it comes to the physicality of sport, the African Americans have the advantage. Yeah, it just comes natural to us. I mean, you’ve got to look back at our ancestry. We were born warriors. It’s a natural instinct. It’s like a killer mentality. If you look at the way the black male is built, we’re more muscular, stronger. You want to be like us?”

Images in the advertisement showed a series of Black male and female sports people engaging in track and field events, football, boxing and basketball.

The advertisement ended with a visual of the product logo which included:

Skins™

BEYOND REASON

Complainant, R. Salt, said:

“Type: Television

Where: On television One at 10pm on the 10/3/08

Who: Skins

Product: Skins sports clothing

Complaint -

I wish to object to this ad because it states that black people are more muscular, more athletic than everyone else etc....It concludes by saying something along the lines of "You want to be like us" I find this offensive because 1) It helps reinforce racial stereotypes that with dark skinned people are more athletically superior and reinforces some peoples beliefs that physical activities are all that they are good at.

2) If any other race of people, for example white people were used in the ad reinforcing their racial stereotypes and stating that "you want to be like us" it would not be accepted by the general public.

This can only help reinforce people’s beliefs that different human traits are linked to race and cause resentment between different races and cultures.”

72 Duplicate Complainants shared similar views.

The Chairman ruled that the following provisions were relevant:

Code of Ethics

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

Rule 2: Truthful Presentation - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

Rule 7: Violence - Advertisements should not contain anything which lends support to unacceptable violent behaviour.

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.

The Advertiser, Brandex Adventure Sports Ltd, said:

“We refer to your letter and Advertisement Complaint 08/139 and subsequent correspondence.

Summary of Complaints

In reviewing the correspondence, we acknowledge that the complaints could be referred to the following sections of the ASA Advertising Codes of Practice:

Code of Ethics – Basic Principle 4

Code of Ethics – Rule 2

Code of Ethics – Rule 7

Code for People in Advertising – Basic Principle 3

Code for People in Advertising – Basic Principle 4

We refute this for the following reasons (refer Addendum #1):

West African (African American, Caribbean etc) bodies are equipped with more fast-twitch fibres producing explosive bursts of energy. Slow-twitch fibres are more common to Kenyan and East African groups, allowing them to sustain muscle effort over long periods of time, as in long distance running. 47 of the top 100 marathon runners in 1999 were Kenyan.

Compared with their white counterparts, West African's possess less body fat, a higher centre of gravity, narrower hips, higher testosterone and bigger muscles, including a larger chest. Kenyans have a slighter body profile, relatively longer legs, larger lung capacities and possess more energy producing enzymes in their muscles which are better able to use oxygen.

People of West African ancestry hold more than 95% of the top times in sprinting. All 32 finalists in the last four Olympic men's 100-meter races were of West African decent.

Black athletes make up more than 80% of American professional basketball players, 67% of American footballers, yet only 13% of the population is black. Similarly in England, which has a black population of less than 2%, 1 in 5 professional soccer players are black.

The Advertising Brief

In broad terms, we wanted to demonstrate how the Skins™ product (see Addendum #2) has changed the way athletes prepare, perform and recover.

Our primary message was to celebrate the achievements of the world's best athletes.

The brief for this television advertisement therefore was:

To celebrate significant athletic success and bring to life some of the facts documented in Addendum #1

To demonstrate sporting achievements and show how they can transcend social, cultural and political environments

To allow athletes the opportunity to explain why they excel at sport in their own words (i.e. unscripted)

To present this to a target audience that loves sport

While the advertisement is challenging and will spark discussion and consideration, it was never intended to offend.

Supporting Evidence

The attached document (Addendum No.1) references a significant number of studies, research papers and statistics relating to the superior athletic performance of black athletes.

These studies highlight the fact that the unscripted comments contained in the advertisement have been made with reason, consideration and adherence to proven scientific and physiological research.

Summary

As we have previously stated, the Skins™ 'Beyond Reason' advertisement is challenging and will spark discussion and consideration, and was never intended to offend.

It recognises and celebrates the amazing accomplishments of black athletes throughout the world.

From a marketing viewpoint, we are encouraging consumers to put themselves in the best possible position to emulate these achievements.

We believe that this mix of marketing and social objectives has delivered a compelling and interesting TV commercial.

If it pricks the conscience of consumers and makes them think about broader social issues, we believe that this is an added benefit that should encourage us to deliver the advertisement to as wide an audience as possible as opposed to hiding the facts as outlined in the nine pages of substantiation.

For all the reasons outlined in this letter, but more particularly the substantiation in Addendum #1, we submit that these complaints should not be upheld.

Please feel free to contact us if you require any further information, and we look forward to your response.

Annexed was:

Submission to the Advertising Standards Authority

Addendum No.1- Substantiation.

It contained statements taken from the following publications, which supported the hypothesis that: "Elite athletes who trace most or all of their ancestry to Africa are by and large better than the competition."

(A full copy of this submission is available on request from the ASA).

1. Entine, J. (2000.) Taboo: Why Black Athletes Dominate Sports and Why We Are Afraid to Talk About It. Perseus Publishing.

2. Kamiya, G (2000). The Black Edge. Available online <http://archive.salon.com/books/feature/2000/01/28/taboo/index.html>

3. Bosch, T., Coetzer, P., Dennis, S. C., Lambert, M. I., Noakes, T. D., Sanders, B. and Wiggins, T. (1993). Journal of Applied Physiology. 'Superior fatigue resistance of elite black South African distance runners' Vol 75, Issue 4
Available online: <http://jap.physiology.org/cgi/content/abstract/75/4/1822>

4. Bosche, A. N., Dennis, S. C., Goslin, B. R. and Noakes, T. D. (1990) European Journal of Applied Physiology. 'Physiological differences between black and white runners during a treadmill marathon' Vol 61, No. 1-2. pp68-72
Available online: <http://www.springerlink.com/content/mw72541566r51x80/>

5. Downes, S. (2000) The Sunday Times. 'Race Relations'. Available online: http://www.jonentine.com/reviews/sunday_times_1_30_2000.htm

6. Malik, K (2000) The New Statesman. 'Why black will beat white at the Olympics'. Available online: <http://www.kenanmalik.com/essays/olympics.html>
7. O'Connor, K (2000). The East African. 'Are blacks really better at sports than whites?' Available online: <http://www.nationaudio.com/News/EastAfrican/28022000/Sports/Sports3.html>
8. Hu, A. (2002). Sports by Race. Available online: <http://www.arthurhu.com/index/asports.htm>
9. BBC's Science of Sport. 'Sporting achievement and Ethnic background'. Available online at: http://www.bbc.co.uk/worldservice/sci_tech/features/science_of_sport/body_ethnic.shtml
10. Larsen, H. B. (2003) Kenyan dominance in distance running. Available online: [http://www.sciencedirect.com/science?ob=ArticleURL&udi=B6VNH-49MCPDN-4&user=10&rdoc=1&fmt=&orig=search&sort=d&view=c&acct=C000050221&version=1&urlVersion=0&userid=10&md5=dcf108112d7e984877f562620ee8b432doi:10.1016/S1095-6433\(03\)00227-7](http://www.sciencedirect.com/science?ob=ArticleURL&udi=B6VNH-49MCPDN-4&user=10&rdoc=1&fmt=&orig=search&sort=d&view=c&acct=C000050221&version=1&urlVersion=0&userid=10&md5=dcf108112d7e984877f562620ee8b432doi:10.1016/S1095-6433(03)00227-7)
11. Review of Jon Entine's book Taboo: Why black athletes dominate sports and why we're afraid to talk about it. Available online: <http://home.comcast.net/~neoeugenics/tab.htm>
12. Entine, J. (2000) Taboo: Why black athletes dominate sports and why we're afraid to talk about it. Available online: http://www.jonentine.com/reviews/quokka_01.htm

13. Walter, J. C. American Studies Today Online. 'The Changing Status of the Black Athlete in the 20th Century United States.' Available online: <http://www.americansc.org.uk/Online/walters.htm>

14. 'Why Black Athletes Dominate Sports and Why We're Afraid To Talk About It' by Jon Entine. Posted: Feb 24, 2008.

[http://www.blackathlete.net/artman2/publish/Track amp Field 36/Why BlackAthletes Dominate Sports and Why We re A 188.shtml](http://www.blackathlete.net/artman2/publish/Track_amp_Field_36/Why_BlackAthletes_Dominate_Sports_and_Why_We_re_A_188.shtml)

http://www.jonentine.com/reviews/chi_trib_03.htm

Also submitted was:

Addendum No. 2 – About Skins™

“About Skins™

We think it is worthwhile providing some information on both the Skins product and company, on the basis that it gives some context to the advertisement that is being questioned.

Skins™ is a leading Australian apparel manufacturer and distributor that created, and now dominates, the fast growing technical compression wear category.

Skins™ body-moulded, engineered, gradient compression garments with Bio-Acceleration Technology™ combine sports and medical science, unique designs and the best in smart fabric technology. Delivering accelerated blood flow,

Skins™ are independently proven through scientific testing and laboratory results to enhance power, endurance and muscle recovery.

Skins™ head office is located in Sydney, Australia and subsidiaries are located in the United Kingdom (Skins™ Ltd) and the United States of America (Skins™ USA inc.).

Skins™ distribution spans over 10 countries including New Zealand, Ireland, France, Germany, Switzerland, Italy, Spain, Denmark, Sweden, Austria, Japan, United Arab Emirates (GCC), Singapore and Malaysia.

Skins™ is an Australian success story, and has enjoyed phenomenal local and international distribution success by adopting a unique sales and marketing strategy based on leveraging strong relationships with elite athletes throughout the world.

Television Commercial Approvals Bureau (TVCAB) said on behalf of the media:

“TVCAB has been asked to respond to this complaint under the

Code of Ethics - Basic Principle 4 - social responsibility;

- Rule 2 - truthful presentation;
- Rule 7 - unacceptable violent behaviour;

Code for People in Advertising

- Basic Principle 3 - widespread offence in portrayal of people;
- Basic Principle 4 - use of stereotypes to cause widespread offence.

A number of complainants feel this advertisement is racially insensitive.

This commercial which plays internationally follows previous formats for the advertiser where the communication is designed to be provocative and quick witted and appeal to a broad target audience. This edgy marketing strategy has been a key element in cementing Skins™ as a market leader. In the technical performance equipment engineered to optimize the body's performance and recovery, whatever level of activity is undertaken.

Generally accepted research has shown that African-American children tend to have denser bones, narrower hips, bigger thighs, lower percentages of body fat, and longer legs in relation to their upper bodies than white kids. That a combination of narrow hips, powerful thighs, low body fat and long legs seems perfect for sprinting and jumping has been lost on no one looking to explain black excellence at those particular skills.

In 1995 Dr Roger Bannister, a respected physician and the first man to run a sub-four-minute mile said; "As a scientist rather than a sociologist, I am prepared to risk political incorrectness by drawing attention to the seemingly obvious but understressed fact that black sprinters and black athletes in general all seem to have certain anatomical advantages. There are anatomical advantages in the length of the Achilles' tendon, the longest tendon in the body."

Jon Entime's book "Taboos: Why Black Athletes Dominate Sports And Why We Are Afraid To Talk About It" clarifies the matter of genetic advantages in relation to certain physical attributes. Medical research has repeatedly shown that all humans, regardless of race or nationality, are not precisely the same. Scientific analyses of the attributes of athletes should not be seen as being racially biased or anchored in bigoted perceptions concerning racial or geographical origins.

This commercial is about the culturally valued behaviour of athleticism - the ability to move one's body quickly in the sense of acceleration, change of direction and top speed. It encourages the use of Skins products in the

endeavour to reach for that same excellence. It is NOT about racism and prejudice.

The complainants appear to have been unable or unwilling to isolate the success of such athleticism from culturally divisive race differentiation. TVCAB submits the complaint should not be upheld.”

Deliberation

The Complaints Board perused all correspondence relevant to the complaint including the 73 complaints received. It also watched the television advertisement.

It noted Complainant R. Salt’s view that the advertisement:

- helped reinforce racial stereo types that dark skinned people are more athletically superior.

- reinforces some peoples beliefs that physical activities are all that they are good at.

- If any other race of people, for example white people were used in the ad reinforcing their racial stereotypes and stating that "you want to be like us" it would not be accepted by the general public.

In summary R. Salt said that the advertisement “can only help reinforce people’s beliefs that different human traits are linked to race and cause resentment between different races and cultures.”

The 72 Duplicate Complaints raised similar issues and also the issue that the advertisement in stating: “We were born warriors. It’s a natural instinct. It’s like a killer mentality.” reinforced the stereotype that black races were violent and lent support to unacceptable violent behaviour.

The Chairman directed the Complaints Board to consider the complaints with regard to the following Code references:

Code of Ethics:

Basic Principle 4: Had the advertisement been prepared with a due sense of social responsibility to consumers and to society.

Rule 2: Truthful Presentation - Did the advertisement contain any statement which was misleading.

Rule 7: Violence - Did the advertisement contain anything which lent support to unacceptable violent behaviour.

Code for People in Advertising

Basic Principle 3: Did the advertisement portray people in a manner which was reasonably likely to cause serious or widespread offence on the grounds of their race, colour; ethnic or national origin, taking into account generally prevailing community standards,

Basic Principle 4: Stereotypes – Was the stereotype used in the portrayal of a group of people in society reasonably likely to cause serious or widespread offence, in the light of generally prevailing community standards.

The Complaints Board first addressed the claim in the advertisement that Black athletes had an innate physical advantage when it came to performance in a range of sporting activities. It was unanimously of the view that the submissions provided in response by the Advertiser supported this claim. The Complaints Board in discussing this matter referred to other racial and cultural groups about which, from time to time, similar generalisations were made in relation to their particular sporting strengths . Accordingly, it was satisfied that the advertisement made factual claims about the level of natural ability of a particular race of people.

The Complaints Board was satisfied that the race based claims about sporting prowess in the advertisement were not misleading. The Complaints Board ruled unanimously that the advertisement was not in breach of Rule 2 of the Code of Ethics.

Turning next to Rule 7, and whether the advertisement lent support to unacceptable violent behaviour or endorsed stereotypical beliefs about skin colour and violence, the Complaints Board said the wording in the advertisement: “We were born warriors. It’s a natural instinct. It’s like a killer mentality.” had been made in the context of sporting competition, and such comments in that context related totally to a determination to win and beat the opponents, not to behaviour outside of the arena of performance in sport. The Complaints Board said that these comments sat alongside the traditional Haka performed by the All Blacks and other New Zealand teams before a game of rugby or other sporting fixtures, the Haka also containing strong and provocative references to the players origins as warriors, and the “killer” instinct they would apply to the game.

Having made these observations, the Complaints Board ruled unanimously, that the advertisement was not in breach of Rule 7 of the Code of Ethics.

Turning to Basic Principle 4, and whether the advertisement had been prepared with a due sense of social responsibility to the consumer and to society, a minority of the Complaints Board expressed the view that it was not socially responsible to promote a product on the basis of the superiority of a racial

group. Furthermore, the minority was of the view that the portrayal of the body image, and references to Black athletes being faster and stronger, could have a negative impact on other viewers who may aspire to be part of that culture but did not possess the physical requirements. Taking these factors into account, the minority expressed the view that the advertisement had not been prepared with a due sense of social responsibility to the consumers and to society.

On the other hand, the majority said the advertisement made a positive statement about the culturally valued behaviour of athleticism, thereby celebrating that characteristic of many Black athletes. As such the majority said it had been prepared with a due sense of social responsibility to consumers and to society, meeting the requirements of that Basic Principle.

In accordance with the majority view the Complaints Board ruled that the advertisement was not in breach of Basic Principle 4.

The Complaints Board then turned its attention to the Code for People in Advertising. It noted that 73 complaints had been received indicating that the advertisement had caused offence to a large number of people. The task before it was to determine whether the advertisement reached the threshold to be ruled to contain serious and/or widespread offence in the light of generally prevailing community standards.

The Complaints Board then addressed the prevalent concern expressed by Complainants that the advertisement was racist. It took into account that the advertisement showed Black athletes expressing their own views, in what could be described as a documentary format.

A minority of the Complaints Board said the advertisement promoted the product to sports people using the images and anecdotes of Black athletes as examples of excellence in physical sporting achievement. As such, that racial group was portrayed in a positive light, as having all the physical attributes and mental attitudes of winning performers. Accordingly, the minority was of the view that the advertisement did not portray people in a manner which was

reasonably likely to cause serious or widespread offence on the grounds of race, in the light of generally prevailing community standards.

However, the majority said that while the intent in the advertisement had been to show positive images of world class athletes competing at their peak, the advertisement crossed the line by using a racial group and provocative statements to sell a product and had caused serious and widespread offence. Thereby it was in breach of Basic Principle 3.

Turning to Basic Principle 4, the minority was of the view that the use of a racial stereotype in relation to both the product offered and the intended consumer, was not reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule and, therefore, it was not in breach of that provision.

However, the majority said in this context it was not appropriate to use a racial stereotype to simplify the process of communication to sell a product. In particular, the majority said the use of racial stereotypes, race and/or physical racial characteristics, being a human condition that could not be changed, to sell a product as employed in the advertisement before it, crossed the threshold to be in breach of Basic Principle 4 of the Code for People in Advertising, as it was reasonably likely to cause serious and widespread offence.

In accordance with the majority view the Complaints Board ruled that the advertisement was in breach of Basic Principle 4 of the Code for People in Advertising.

As the advertisement was found to be in breach of Basic Principles 3 and 4 of the Code for People in Advertising, the Complaints Board ruled to uphold the complaint.

Decision: Complaint **Upheld**

DECISION

Chairman's Ruling

8 May 2008

Complaint 08/139

Appeal 08/012

Complainant: R. Salt & Others

Advertisement: Brandex Adventure Sports Ltd - Skins™

Applicant: Brandex Adventure Sports Ltd - Skins

Complaint: The script in the television advertisement (Key: SK15477 30) for Skins™ technical compression sports wear, contained the following statements made by a series of Black athletes:

“We’re faster, we got more skill, we got the stamina. You know when it comes to the physicality of sport, the African Americans have the advantage. Yeah, it just comes natural to us. I mean, you’ve got to look back at our ancestry. We were born warriors. It’s a natural instinct. It’s like a killer mentality. If you look at the way the black male is built, we’re more muscular, stronger. You want to be like us?”

Images in the advertisement showed a series of Black male and female sports people engaging in track and field events, football, boxing and basketball.

The advertisement ended with a visual of the product logo which included:

Skins™

BEYOND REASON

Complainant, R. Salt, said:

“... I find this offensive because 1) It helps reinforce racial stereotypes that with dark skinned people are more athletically superior and reinforces some peoples beliefs that physical activities are all that they are good at.

2) If any other race of people, for example white people were used in the ad reinforcing their racial stereotypes and stating that "you want to be like us" it would not be accepted by the general public.

This can only help reinforce people’s beliefs that different human traits are linked to race and cause resentment between different races and cultures.”

72 Duplicate Complainants shared similar views.

The relevant provisions were:

Code of Ethics – Basic Principle 4

Code of Ethics – Rule 2

Code of Ethics – Rule 7

Code for People in Advertising – Basic Principle 3

Code for People in Advertising – Basic Principle 4

The Complaints Board ruled on 8 April 2008 to Uphold the complaint.

“...The Complaints Board then turned its attention to the Code for People in Advertising. It noted that 73 complaints had been received indicating that the advertisement had caused offence to a large number of people.

... the majority said that while the intent in the advertisement had been to show positive images of world class athletes competing at their peak, the advertisement crossed the line by using a racial group and provocative statements to sell a product and had caused serious and widespread offence. Thereby it was in breach of Basic Principle 3.

... the majority said in this context it was not appropriate to use a racial stereotype to simplify the process of communication to sell a product. In particular, the majority said the use of racial stereotypes, race and/or physical racial characteristics, being a human condition that could not be changed, to sell a product as employed in the advertisement before it, crossed the threshold to be in breach of Basic Principle 4 of the Code for People in Advertising, as it was reasonably likely to cause serious and widespread offence. ...

As the advertisement was found to be in breach of Basic Principles 3 and 4 of the Code for People in Advertising, the Complaints Board ruled to uphold the complaint.”

Application for Appeal

The Advertiser, Brandex Adventure Sports Ltd, said:

“We acknowledge receipt of your letter of 16 April to The Furnace in which you advised that the Complaints Board of the New Zealand Advertising Standards Association had upheld Complaint 08/139.

In line with the ASA's self-regulatory principles, I can advise that Skins has voluntarily withdrawn the upheld advertisement (called *Beyond Reason*) in its present form.

However, we also wish to advise that we are appealing the decision, on the grounds that:

The ruling is against the weight of evidence.

Detailed below is further information to support our appeal, and I have also attached copy of our original submission.

Complaints Board Decision: Basic Principle 3

What the Complaints Board Said

In its correspondence dated 16 April relating to Complaint 081139, the ASA said:

A minority of the Complaints Board said the advertisement promoted the product to sportspeople using the image and anecdotes of Black athletes as examples of excellence in physical sporting achievement. As such, that racial group was portrayed in a positive light as having all the physical attributes and mental

attitudes of winning performers. Accordingly, the minority was of the view that the advertisement did not portray people in a manner which was reasonably likely to cause serious or widespread offence on the grounds of race in the light of generally prevailing community standards.

However the majority said that while the intent in the advertisement had been to show positive images of world class athletes competing at their peak, the advertisement crossed the line by using a racial group and provocative statements to sell a product and had caused serious and widespread offence. Thereby it was in breach of Basic Principle 3.

The Skins Appeal

Point 1: Sales Performance

In its judgement, the ASA says that *the Beyond Reason* advertisement had 'caused serious and widespread offence'.

In quantifying this statement, Skins believes we can only be guided by the number of complaints received by the Advertising Standards Association and the impact of the advertisement on sales figures.

The first part of this statement is easily quantified; the ASA has received 73 complaints.

In terms of sales performance, it could be reasonably assumed that sales would be negatively impacted by an advertisement that had 'caused serious and widespread offence.'

However, since the advertisement went to air in New Zealand for the very first time on 9 March 2008, the sale of Skins items has increased dramatically.

In fact, Skins achieved record sales figures in March 2008 with the most sales in any one month ever. April sales exceeded even March sales.

As an indication of sales growth, the number of units sold in March 2008 was more than two and a quarter those of February 2008.

In reviewing its decision in light of our appeal, we ask that the ASA take into account the strong consumer support for the product since the current advertising campaign commenced, and note the many thousand consumers who made the effort to visit retail stores and make a purchase compared to the 73 who complained.

We believe the increase in sales to new record levels is largely attributable to the success of the *Beyond Reason* advertisement and, therefore, we believe this largely disproves the Board's belief that the advertisement will 'cause serious and widespread offence'.

We are also appealing against the ASA's ruling that the advertisement has caused 'serious offence'. The advertisement has generated 73 complaints, however we believe it would be unfair to define this level and the content of reaction as 'serious'. We are unaware of any additional action outside of the receipt of written complaints, and therefore we ask that the ASA reconsider its decision on the basis that the advertisement has not caused 'serious offence'.

Complaints Board Decision:

Basic Principle 4

What the Complaints Board Said

In its correspondence dated 16 April relating to Complaint 081139, the ASA said:

Turning to Basic Principle 4, the minority was of the view that the use of a racial stereotype in relation to both the product offered and the intended consumer was not reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule and therefore it was not in breach of that provision.

However the majority said in this context it was not appropriate to use a racial stereotype to simplify the process of communication to sell a product. In particular, the majority said the use of racial stereotypes, race and/or physical racial characteristics being a human condition that could not be changed to sell a product as employed in the advertisement before it crossed the threshold to be in breach of Basic Principle 4 of the Code for People in Advertising as it was reasonably likely to cause serious and widespread offence.

Appealing the Decision

In its judgement, the ASA says that the *Beyond Reason* advertisement had breached Basic Principle 4 and therefore was reasonably likely to 'cause serious and widespread offence'.

Again, Skins believes that the strong growth in sales figures since the advertisement was launched in New Zealand are reflective of widespread consumer support and therefore it is unreasonable to assume that the advertisement will cause serious and widespread offence.

Since the advertisement was launched on 9 March 2008, Skins has achieved record sales figures, with March 08 recording the most sales in any one month ever. April sales exceeded even March sales.

As an indication of sales growth, the number of units sold in March 2008 was more than two and a quarter those of February 2008.

On this basis, we believe it is unfair to say that the advertisement 'was reasonably likely to cause serious and widespread offence'.

Similarly, we are of the belief that the receipt of 73 written complaints is not reflective of a community that has taken 'serious' offence, especially in light of the many thousands who have purchased the product, we believe driven by the TV advertisement and we ask the ASA to reconsider its decision on these grounds.

Summary

In summary, Skins has a significant commercial reason for asking the ASA to reconsider its decision.

The *Beyond Reason* television advertisement *has* helped deliver a significant growth *in* sales, and therefore taken the company to a new level in terms of commercial stability and success.

It would be commercially unwise for Skins not to ask the ASA to review its original decision. However, it is also worth emphasising, that despite the commercial justification for appealing, we also believe that - for the reasons outlined above - the grounds for our appeal are within the guidelines outlined in the ASA Appeals Process.

We appreciate the opportunity we have been given to appeal, and please feel free to contact me if you require any further information.”

Attached in support was the original complaint submission.

Chairman’s Ruling

The Chairman perused the application for appeal. Having done so he noted the two points it raised were that:

The sales of the product had increased since the advertisement was aired.

The fact that only 73 complaints had been received did not indicate that the advertisement had caused serious or widespread offence.

The Chairman said that point a) (increased sales) was not a matter of significant relevance when taking into account that the advertisement had been upheld under Basic Principles 3 and 4 of the Code for People in Advertising. It was not sufficient to prove that the advertisement had not caused serious or widespread offence, and in his view did not reach the threshold to meet the requirements of Appeal Rule (ii) There is new evidence of sufficient substance to affect the decision.

The Chairman commented that an advertisement may cause serious offence to one complainant, and the number of complaints received was not material to that fact. The Chairman commented that the number of complaints received was only indicative of community concern and one of a number of facts considered by the Complaints Board.

The Chairman then turned to the remaining four grounds on which an appeal could be accepted

They were that:

- (i) Proper procedures have not been followed.

Evidence provided to the Complaints Board has been misinterpreted to the extent that it has affected the decision.

The decision is against the weight of evidence.

It is in the interests of natural justice that the matter be reheard.

In his view the Applicant had not demonstrated that the Complaints Board had not followed the proper procedure, had misinterpreted the evidence, the ruling was against the weight of evidence, or that it was in the interests of natural justice for the matter to be reheard.

Accordingly, the Chairman said that the application for appeal did not fulfill any of the five grounds on which an appeal was able to proceed.

The Chairman ruled that the application be declined.

Chairman's Ruling: Application for Appeal **Declined**

DECISION

Meeting 6 May 2008

Complaint 08/157

Complainant: B. Hamilton

Advertisement: Ace Rentals Cars

Complaint: A billboard, advertising Ace Rentals, featured three of New Zealand road sign locations. It read:

“Whakamaru Whakatane Whakamoia RENT A CAR FROM ONLY \$25.00 A DAY SO YOU CAN VISIT ANY WHAKA”

Complainant, B. Hamilton, said:

“Further to our discussion about this sign I wish to register a complaint about the offensive language used on this sign. Although it is disguised culturally, I find the language used offensive

The Chairman ruled that the following provisions were relevant:

Code of Ethics

Basic Principle 4: Social Responsibility

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

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).

The Advertiser, Ace Rental Cars, said:

"Thank you for your letter regarding a complaint about our billboard and for giving us an opportunity to respond.

For future reference it may be helpful when sending this type of letter to explain the relevant sections rather than to just state that you may be in breach of Basic Principle 4 or Rule 5. But after looking at your website I understand that you are concerned that our billboard may have breached the following standards.

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

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).

I am unable to see how our billboard breached any of the above standards or rules. The billboard was created to give people a laugh and to raise the awareness of our company. In both instances it worked admirably well. The pictures of street signs are just that. These place names are no longer just Maori language but part of New Zealanders everyday language and have been for some years.

"whaka" has no meaning in the Maori language it is simply a prefix and I am at a loss how this can be construed as offensive in any sense.

New Zealanders have always had the unique ability to laugh at ourselves, to "take the piss" out of each other. It is one of the things that make us unique. It would be a shame to allow a very small percentage of small minded people to change the culture of New Zealand.

The billboard is not offensive nor is it *"likely to cause serious and widespread offense"*. Last Friday George FM ran a survey for its listeners. A. The billboard is brilliant and should be put back up or B the billboard is offensive and should stay down. By the close of play on Friday 95% of respondents had voted in favour.

This sentiment was mirrored by the overwhelming positive response on our website and on the Trademe community forum. Copies of these comments both positive and negative can be viewed on our website www.acerentalcars.co.nz

In closing we believe this billboard does not breach any of the ASA's standards or rules. We reserve the right to continue to display this advertisement whenever we wish and in whatever form we wish. ...

The advertising company concerned was Publicis Mojo"

The Agency, OGGI, said:

"This display was voluntarily removed by the Advertiser last month."

Deliberation

The Complaints Board perused the correspondence and had regard to the billboard advertisement.

It noted that Complainant, B. Hamilton was of the view that it was culturally insensitive to use the Maori language inappropriately. In this instance it was the use of the word Whaka, in the context *"Whakamaru, Whakatane, Whakamoa, rent a car from only \$25.00 a day so you can visit any whaka"*, that was considered offensive

The Chairman directed the Complaints Board to consider the advertisement with reference to the Code of Ethics, Basic Principle 4 and Rule 5.

In making its determination the Complaints Board was obliged to take into account the context, media, audience and product. It therefore considered the wording used by the Advertiser in the context of the advertisement as a whole. It also considered the nature of the advertising and the extent of its exposure.

While the Complaints Board acknowledged that for some members of the community the advertisement could be somewhat distasteful, it was satisfied that, in this instance, it was unlikely to cause serious or widespread offence. The Complaints Board concluded therefore that, in this instance, the advertisement did not meet the threshold required to effect a breach of Basic Principle 4 or Rule 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled to not uphold the complaint.

Decision: Complaint **Not Upheld**

DECISION

Meeting 13 November 2007

Complaint 07/471

Complainant: S. Cooper, L. Chong and Others

Advertisement: Award Concepts Ltd

Complaint: The television advertisement for the product 30 Second Spray (Key No: 30S 30 001) showed a proud Asian man in a white laboratory coat introducing and demonstrating the product.

The advertisement commenced with the presenter showing the product to the viewer as he proclaimed: "30 Second Spray and Walk Away is a simple solution for lichen, algae, mold and moss."

He demonstrates the use of the product and continues with: "Look. I spray and walk away" using his arm in a dramatic gesture to highlight the fact that he simply walks away.

Time passes and he is seen returning to the lichen previously sprayed. He says: "Look lichen die. I walk away." He returns again later and says: "Look lichen still die. I still walk away."

The final screen shows the presenter proudly holding the product before the viewer and saying: "30 Second Spray and Walk Away".

Complainant, S. Cooper, said:

“Type: Television

Where: Television One, evening of 13 September 2007, at about 6:15 pm.

Who: Producers of Spray and Walk Away

Product: Spray and Walk Away

Complaint -

I find this advertisement offensive. It features an Asian man with an exaggerated accent repetitively promoting the product. The man is a caricature of an Asian man with black heavy rimmed, thick lensed glasses. His accent implies stupidity.

I think this advertisement promotes racism, and is insulting to the many Asian people who live and visit here, and insults the intelligence of our own population.”

Duplicate Complaint, L. Chong, said:

“This ad is offensive to the Asian community because it depicts an Asian man with a bad English accent and behaviour that suggests a high level of social awkwardness.

I believe this ad violates the basic principles in the Code for People in Advertising, in particular, the fourth. While "stereotypes may be used to simplify the process of communicationadvertisements should not use stereotypes ...which... is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule."

Portraying an Asian with a bad English accent is derogatory to the Asian community and reinforces the stereotype of the hapless non-native English speaking Asian. This ad invites the public to think that the majority of Asians in NZ still do not know how to speak English properly, and opens Asians (especially kids at school) up to contempt, ridicule and possibly abuse. Simply by the fact that this ad is condoned on NZ television, means that the public is

allowed to continue believing Asians aren't capable of communicating properly. Ultimately this demonizes any Asian-looking face.

Given the fact that there are VERY few admirable or good Asian role models on NZ tv, this ad is all the more menacing in promoting a damaging view of Asians.”

Duplicate Complainants C. Eng and P. Kavanagh shared similar views.

The Chairman ruled that the following provisions were relevant:

The 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.

The Advertiser, Award Concepts Ltd, said:

“It is with some surprise that we received your letter outlining two complaints against our television commercial.

As a commercial concern, Award Concepts is very sensitive to public opinion. To this end, we took considerable care in the approval process and production of the television commercial designed to promote our 30 Seconds product, Spray and Walk Away.

We selected Ming-Jen Huang for his enthusiastic personality and his genuine approach. Everything you see in the commercial is 100% Ming-Jen, from his accent to his glasses. There is no over-exaggeration or attempts to send up or ridicule Ming-Jen. As spokesman for 30 Seconds it is extremely important for our brand that he be well liked and respected.

As an extra precaution, before the commercial went to air, we showed it to Mr Henry Chan who represents Tina Hsu, one of the two owners of Award Concepts. He was amused, not offended. The commercial was also shown to our Japanese distributors in Japan. They also gave it their strong approval.

We understand you do not sell products by offending people. Which is why we have created a spokesman for 30 Seconds who is both likeable and convincing in his demonstration of our product.

We believe our confidence in him has been largely justified by the extremely positive feedback we have already received from the community.

While we appreciate that everyone has the right to express an opinion we believe that the two complainants do not represent the feelings of the wider general community who, from our observations, have warmly embraced our 30 Seconds spokesman.”

Actor, Ming- Jen Huang, said:

“My name is Ming-Jen Huang and I appear in the television commercial for 30 Seconds Spray and Walk Away.

I wish it to be known that I am very proud of my performance in this commercial and feel that in no way does it undermine or offend the Asian community.

I was extremely happy to be chosen for this campaign and I was shown great respect by everyone involved in the making of the commercial. I do not feel ridiculed or feel that I am being made fun of. The commercial is funny and it makes people happy. What could possibly be wrong with that?

Since the commercial has been to air I have received warm praise and recognition from many, many people. Complete strangers have approached me in the street to congratulate me. Parents have told me the commercial is their children's favourite.

While New Zealand has a large Asian community, there are very few Asian faces on television. I am proud that mine is one of them and that it makes so many people smile.”

The Agency, Clarke Newton, said:

“In reference to the complaints made by L. Chong and S. Cooper, I would like to make the following comments:

L. Chong would have us believe that the only Asians who should appear on television are those with perfect English and impeccable acting skills. I find this attitude even more discriminatory than that of which she accuses 30 Seconds. Try telling Ming-Jen Huang, who stars in the ad, that he has no right to appear in commercials until he speaks like a native New Zealander.

Ming-Jen is not an actor. He is a former professional tour guide who has appeared in the background of a few commercials. During the 30 Seconds commercial he does not exaggerate his performance in anyway to attract ridicule or derision. Instead, his genuine enthusiasm for the product makes him extremely likeable and convincing. His accent is the way he speaks normally. He even wears his own glasses in the commercial.

L. Chong refers to his "social awkwardness" and describes him as "hapless" yet the main reason we selected Ming-Jen was because of his confidence and enthusiasm, which clearly help promote the positive aspects of the product.

S. Cooper states that he has an "exaggerated accent, "which" implies stupidity," yet nothing could be further from the truth. We chose Ming-Jen to play the part of a Japanese scientist to give credibility to the technical superiority of 30 Seconds Spray and Walk Away. He does so in a way, which is both genuine and genuinely humorous.

In regard to S. Cooper's letter, he repetitively promotes the product simply because that's how you make consumers remember it. Race has nothing to do with it.

As for L. Chong's comments that Ming-Jen is a poor role model who "demonizes any Asian-looking face", again I disagree most wholeheartedly. The feedback from the wider community since this ad has been played has been extremely favourable. People love Ming's character and the expression that he uses during the commercial; "Look! I walk away" has become part of the local vernacular. Everyone from school children to senior executives have been seen proudly doing "the walk away". The fact that the community at large has warmly embraced his character and actions demonstrates that rather than re-inforcing stereotypes, Ming-Jen is helping to break down barriers.

A letter from Ming-Jen highlighting his experience in relation to this commercial is also included.

I believe this agency, and our client, have acted responsibly and made considerable effort to ensure this commercial reflects well on the 30 Seconds brand and all who are associated with it. One of the two major shareholders of my client's company, Award Concepts Limited, is Asian. Her representative here in New Zealand is Mr Henry Chan, also an Asian. He, as well as their Japanese agent based in Japan were deliberately shown the commercial to gain their opinion. Neither group was offended and both were extremely complimentary.

In reference to the Code for People in Advertising, this commercial has not caused "serious or widespread offence" and I therefore ask that you dismiss the two complaints against this commercial."

Television Commercial Approvals Bureau (TVCAB) said on behalf of the media:

"We have been asked to respond to these complaints under the Code for People in Advertising:

Basic Principle 3 - likely to cause serious or widespread offence

Basic Principle 6 - humour and satire

This advertisement is one in a series where the presenter - Professor Taki Yakamoto demonstrates the astonishing properties of the various products.

The presenter is genuine - he is Japanese, he does have an accent. There was no intention to unfairly satirize Asians in general, only to show a product in situ with the demonstrator in a white jacket and obviously Japanese to imply international expert opinion. In pre production discussion with the agency it was agreed the Professor could be seen as a "character", but not as an overall spoof of Asians. We believe the agency succeeded in this aim.

This is nothing like using wrestlers in inflatable sumo suits to advertise knock-out sale specials, or a clearly artificial Asian accent and inept use of chop sticks to advertise a heat and serve noodle product. The Professor is likely to become a familiar TV character from this series, some of which are yet to screen. He is an individual not a representative of Japan, or Asia. He may not be a Vince Martin - yet, but does have the potential to become an instantly recognizable and respected product advocate and endorser.

There is some humour in the script, but the real humour is in the character himself. He is a character, with idiosyncrasies and mannerisms that many viewers have warmed to. Others may not have - you love him or you hate him, but that feeling does not translate to an attitude either for or against all Asians.

This is an advertisement which could well rate in next year's Fair Go Awards in both the best and the worst of categories, but given the impact it has had on sales for the advertiser, it has had remarkable success in communicating product features and benefits. In contrast, just two viewers have felt it may infringe the Advertising Codes. This does not indicate serious or wide spread offence. And what is the Professor a stereotype of? Asian industrial chemists? Professor Taka Yakamoto is a created TV character and we believe most New Zealanders see him as just that. In no way could he incite racial intolerance or offence. The TVCAB does not feel there are sufficient grounds to uphold this complaint.”

Deliberation

The Complaints Board perused the correspondence relevant to the complaint and viewed the television advertisement. It noted that Complainant, S. Cooper, together with Duplicate Complainants L. Chong, C. Eng and P. Kavanagh, was of the view that the advertisement was insulting and offensive.

The Chairman directed the Complaints Board to consider the complaint with reference to the Code for People in Advertising, Basic Principles 3 and 6.

Basic Principle 3 of the Code for People in Advertising required the Complaints Board to determine whether the advertisement portrayed people in a manner which, taking into account generally prevailing community standards, was reasonably likely to cause serious or widespread offence on the grounds of their race; colour; ethnic or national origin.

Basic Principle 6 made provision for the use of humorous and satirical treatment of people and groups of people in the community, provided that taking into account generally prevailing community standards, the portrayal was not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

The Complaints Board confirmed that a total of four complaints had been received. It then took into account the lengths to which the Advertiser had gone to assess attitudes towards the character in the advertisement both prior to the production of the advertisement and before screening it. It noted the explanations received that the speech and mannerisms were entirely those of the Ming-Jen Huang who appeared to be proud of his performance and subsequent recognition. The Complaints Board noted that the character, Professor Yaki Yakamoto, had had a positive effect on sales of the product.

Taking all of the above into consideration, the Complaints Board was unanimously of the view that the advertisement had been prepared with a due sense of social responsibility, and that the portrayal of people shown, although offensive to the complainants, could not be said to be reasonably likely to cause serious or widespread offence, contempt or ridicule in the light of generally prevailing community standards. As such the Complaints Board ruled that it was not in breach of Basic Principles 3 or 6 of the Code for People in Advertising.

The Complaints Board ruled to not uphold the complaint.

Decision: Complaint **Not** **Upheld**

DECISION

Chairman's Ruling

11 March 2007

Complaint 08/087

Complainant: D. Tie

Advertisement: Award Concepts Ltd

Complaint: The television advertisement commenced with the presenter, an Asian man in a white lab coat, saying: "30 Second outdoor cleaner ... cleans outdoors in seconds..... steps ... driveway...." Visual images accompany the claims and show the relevant outdoor areas.

Complainant, D. Tie, said they were unable to hear what the Asian man was saying as he "simply speaks too fast"

The relevant provision was the Code of Ethics, Basic Principle 4 and Rule 5.

The Chairman noted D. Tie's concern with the advertisement. In making his ruling he referred to Decision 07/417 which concerned the same advertisement. That Decision, where the Complaints Board had ruled to not uphold the complaint, said (in part):

"The Complaints Board ... took into account the lengths to which the Advertiser had gone to assess attitudes towards the character in the advertisement both prior to the production of the advertisement and before screening it. It noted the explanations received that the speech and mannerisms were entirely those of the Ming-Jen Huang who appeared to be proud of his performance and subsequent recognition. The Complaints Board noted that the character, Professor Yaki Yakamoto, had had a positive effect on sales of the product.

Taking all of the above into consideration, the Complaints Board was unanimously of the view that the advertisement had been prepared with a due sense of social responsibility, and that the portrayal of people shown, although offensive to the complainants, could not be said to be reasonably likely to cause serious or widespread offence, contempt or ridicule in the light of generally prevailing community standards.”

Accordingly, the Chairman ruled that whilst the speech of the presenter may have been louder than the complainant preferred, there was no apparent breach of the Advertising Codes in the matter before him, and no grounds for the complaint to proceed.

Chairman’s Ruling: Complaint **No Grounds to Proceed**

DECISION

Chairman's Ruling

29 January 2008

Complaint 08/029

Complainant: B. Mckay

Advertisement: 30 Second Cobweb Eliminator

Complaint: The television advertisement for the product 30 Second Cobweb Eliminator shows a proud Asian man with a strong accent, wearing a white laboratory coat as he introduces and demonstrates the product.

Complainant, B. Mckay, was of the view that the advertisement was racist and made fun of Asian people

The relevant provisions were: Code for People in Advertising, Basic Principle 3 and 6.

The Chairman noted B. Mckay's concern. He then referred to Complaints Board Decision 07/471 where the Complaints Board had ruled to Not Uphold similar complaints about the same issue in advertisements for 30 Second Spray.

Part of that Decision said:

"The Complaints Board ... took into account the lengths to which the Advertiser had gone to assess attitudes towards the character in the advertisement both prior to the production of the advertisement and before screening it. It noted the

explanations received that the speech and mannerisms were entirely those of the Ming-Jen Huang who appeared to be proud of his performance and subsequent recognition. The Complaints Board noted that the character, Professor Yaki Yakamoto, had had a positive effect on sales of the product.

Taking all of the above into consideration, the Complaints Board was unanimously of the view that the advertisement had been prepared with a due sense of social responsibility, and that the portrayal of people shown, although offensive to the complainants, could not be said to be reasonably likely to cause serious or widespread offence, contempt or ridicule in the light of generally prevailing community standards. As such the Complaints Board ruled that it was not in breach of Basic Principles 3 or 6 of the Code for People in Advertising.”

The Chairman said the above also applied to the matter before him and accordingly he ruled that there were no grounds for the complaint to proceed.

Chairman’s Ruling: Complaint No Grounds to Proceed

GLOSSARY OF MĀORI TERMS

<i>Aroha</i>	love
<i>Atua</i>	gods, ancestors
<i>Awhina</i>	providing support
<i>Ea</i>	balance
<i>Haka</i>	posture dance
<i>Hākari</i>	feast
<i>Hapū</i>	subtribe
<i>Hau</i>	spirit power
<i>Hura kohatu</i>	unveiling of headstone
<i>Hui</i>	meeting
<i>Iwi</i>	tribe
<i>Kaitiakitanga</i>	guardianship
<i>Karakia</i>	chant, prayer
<i>Kawa</i>	protocol
<i>Kawanatanga</i>	government
<i>Kaumatua</i>	elders
<i>Kaupapa</i>	ground rules, first principles, general principles
<i>Kohanga reo</i>	Māori language immersion pre-schools
<i>Koru</i>	coil, spiral
<i>Kotahitanga</i>	unity
<i>Kura kaupapa</i>	Māori language immersion primary schools
<i>Mana</i>	power, authority
<i>Manaaki</i>	caring in the fullest possible sense
<i>Manaakitanga</i>	hospitality
<i>Mana atua</i>	power, authority gained from gods
<i>Mana tangata</i>	power, authority acquired from others
<i>Mana tūpuna</i>	power, authority gained from lineage
<i>Mana whenua</i>	power, authority gained from land
<i>Manuhiri</i>	visitors
<i>Marae</i>	meeting place
<i>Mauri</i>	life force
<i>Muru</i>	redistribution of wealth as compensation
<i>Ngeri</i>	chant without actions
<i>Noa</i>	everyday, mundane
<i>Pōwhiri</i>	rituals of encounter
<i>Poutama</i>	steps
<i>Pū manawa</i>	natural talents
<i>Rangatira</i>	chief
<i>Rangatiratanga</i>	self-determination, self-management
<i>Rāhui</i>	prohibition or ban
<i>Take</i>	cause
<i>Tangata whenua</i>	local people
<i>Tangihanga</i>	funeral process
<i>Taonga</i>	precious possession
<i>Tapu</i>	sacred, set apart

<i>Tika</i>	correct, right
<i>Tikanga Māori</i>	beliefs, values, ethics
<i>Tukutuku</i>	lattice work
<i>Utu</i>	reciprocation
<i>Wairuatanga</i>	spirituality
<i>Waka</i>	canoe
<i>Whānau</i>	family
<i>Whakanoa</i>	to make <i>noa</i> , free from restriction
<i>Whakapapa</i>	geneology
<i>Wharekura</i>	Māori language immersion secondary schools
<i>Whaungatanga</i>	kinship
<i>Whenua</i>	placenta/land

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