

# pkestaff

PLAIN  
LANGUAGE  
COMMISSION

Pikestaff 60  
January 2013

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## Instagram's clear language: deceptive in plain sight

Online photo-sharing service Instagram published new terms and conditions recently suggesting that it and its owner, Facebook, had the right to sell users' photos and data to third parties without their consent. Social media saw a rush of people declaring they would stop using Instagram, and posting articles on how to back up your photos and delete your account. Within hours, Instagram apologized and apparently retracted the clause.



The story has since been used to illustrate the importance of clear communication and getting the 'tone of voice' right, with claims that the original terms and conditions were horribly unclear and the ensuing apology beautifully lucid. But bloggers have asserted that it's really the other way round.

The main offending paragraph in Instagram's terms and conditions reads: 'To help us deliver interesting paid or sponsored content or promotions, you agree that a business may pay us to display your username, likeness, photos, in connection with paid or sponsored content or promotions, without any compensation to you.' As Asbury & Asbury (a Cheshire-based designer-writer partnership) point out, the English here is pretty plain: the verbs are active, for example, 'pay' and 'display'; the pronouns are personal ('us', 'you' etc); and the words are fairly familiar.

In its apology, Instagram says the problem was all down to 'confusing' language in the terms and conditions:

*Our intention in updating the terms was to communicate that we'd like to experiment with innovative advertising that feels appropriate on Instagram. Instead it was interpreted by many that we were going to sell your photos to others without any compensation. This is not true and it is our mistake that this language is confusing. To be clear: it is not our intention to sell your photos. We are working on updated language in the terms to make sure this is clear.*

Asbury & Asbury brand Instagram's apology 'mealy-mouthed and contradictory'. They comment: 'There's some really slippery stuff going on. Note how "it is not our intention to sell your photos" isn't the same as saying "we won't sell your photos".'

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Despite the forthrightness of the tone, the message is still unclear – will you or won't you?

They conclude: 'If anything, this whole episode is a demonstration of the slippery charms of tone of voice. The terms and conditions were an example of clear language being used to convey information as simply as possible – it just happened to be controversial information.'

We agree: corporate language should be not only plain in style but also plain in intention and in content – in other words, it should support the basic philosophy of plain language in consumer contracts: that the public deserves a fair deal.

Concealing consumer-unfriendly purposes beneath a plain style of language is, arguably, even worse than using gobbledegook: if a statement looks straightforward, many readers will assume it is so.

[Sources: <http://www.guardian.co.uk/technology/2012/dec/18/instagram-issues-statement-terms-of-service>; <http://blog.instagram.com/post/38252135408/thank-you-and-were-listening>; <http://asburyandasbury.typepad.com/blog/2012/12/instagram-didnt-get-the-tone-wrong.html>]

## FOI no defence against the dark (p)arts

If you're concerned about the content of a document from a UK public-sector organization, the Freedom of Information (FOI) Act gives you the right to ask for all the recorded information they have on the subject. We've used this facility a lot, for example in gathering information to support Martin's campaign against bad parking signs. Anyone can make a request for information – there are no restrictions on your age, nationality or where you live.

Of course, you never know what you'll get in reply. Brentwood Council has recently been criticized for wasting time and money compiling a 425-page report in response to an FOI request and then redacting most of it.

Conservative councillor Russell Quirk submitted the request to the council (which only last month boasted it is 'one of the most open councils in the country'), when he was worried that taxpayers could be short-changed in a multimillion deal to build a cinema on council-owned land. He was surprised to receive a 425-page document with almost every sheet black. Only a few details escaped the censors, including the phrases: 'Hi Duncan – blank – Do you have any comment to make on this?' and: 'Hi Bill – blank – Many thanks, Steve.'

Jonathan Isaby of the TaxPayers' Alliance condemned the waste of money and time:

*It is stupefying that the council has seen fit to redact all 425 pages, and presumably had a member of staff sitting at a computer doing it. Councils owe it to their residents to be transparent about how they spend taxpayers' money. When a request is necessary, full*



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disclosure should be the starting presumption. This case raises questions about what the council has to hide.

For a guide on how to make an FOI request yourself, visit the online guide at <https://www.gov.uk/make-a-freedom-of-information-request/the-freedom-of-information-act>.

[Source: <http://www.dailymail.co.uk/news/article-2240282/Brentwood-Council-workers-blank-ALL-425-page-report-FOI-request-TOWIE-nightclub-Sugar-Hut.html>]

## Readers write

### Use or utilize?

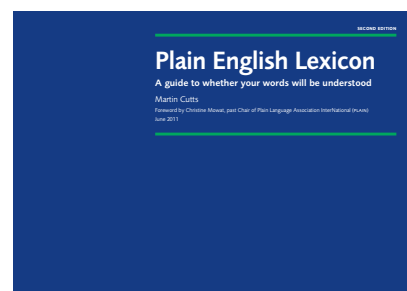
Our (free-of-charge) Plain English Lexicon enables you to make informed choices about the familiarity and frequency of 2,700 words that sometimes occur in public-information documents. For example, we show that 'utilize' has a US grade level of 10 (i.e. tenth grade in the US school system – roughly equivalent to UK year 10), meaning it has a lowest UK reading age of 15. However, the *Living Word Vocabulary* (a rare book published in the USA and not available online) showed that only 81% of US grade-10 youngsters actually understood the word. Moreover, it appears just 1,165 times in the British National Corpus (a 100-million-word collection of modern British English) – Martin Cutts estimates that a word needs to score 1,200 or more in this corpus to be 'fairly common'. We conclude: 'Why use *utilize* when you can use *use*?'

Laura Murto-Linden of Finland wrote in with one answer to our rhetorical question:

*I was teaching English to military personnel yesterday and recommended that they use 'use' rather than 'utilize'. One student pointed out that in a military context, 'utilize' is not synonymous with 'use'. To them, it means 'to use to its full potential', for example 'The Nordic countries intend to utilize their common capabilities to make savings.' Fair enough, a lot of words have secondary meanings within certain professions (are 'jargonised'), but I just thought I would pass this information on – as clearly 'use' and 'utilize' aren't always interchangeable. I was also left wondering whether this sense of 'to use to its maximum capacity/as efficiently as possible etc' is more widely applied in the business sector – just that most of them aren't really aware of the distinction either... (So a right mess!)*

We replied:

*It's interesting that they use it for that purpose. Encarta says 'utilize' means 'use in a practical or effective way' or 'make use of', eg, 'When the fan belt broke, we utilized a pair of tights instead.' For the specific uses you mention, perhaps 'maximize' or 'make the most of' would be clearer, eg 'The Nordic countries intend to save money by making the most of/maximizing their common capabilities.' Encarta criticizes the business-jargon use of 'utilize' to mean 'use', which is mainly what we complain about.*



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# Plain Language Commission Style Guide

As well as the lexicon, we publish an 8,000-word style guide – also free of charge to download – which aims to:

- explain our style choices in areas of language where there are no definite rights or wrongs
- help you decide your own style choices
- make documents you send us for editing and Clear English Standard accreditation clearer and more consistent – meaning we can turn these round more quickly and save you money
- be a useful resource for visitors to our website.

The Oildata Energy Group, Nigeria recently emailed for permission to use excerpts in its Corporate Communications Guidebook. We're always happy for people to borrow bits from our publications – see our website for the full list – so long as they let us know, and acknowledge the source in their publication, quoting 'Source: "[Name of our publication]", Plain Language Commission (UK), [www.clearest.co.uk](http://www.clearest.co.uk)'.

## 'Going forward'

On the topic of corporate language, Janet McCarter emailed 'just to share a current pet hate!' She asks: 'Who started the habit of pointlessly adding the words "going forward" to simple statements of fact or policy? Who starts these things and more worryingly, why do others keep copying it?'

We've noticed that this phrase occurs regularly in writing as well as speech. It seems to be a staple of business people appearing on Radio 4's Today programme whenever they find themselves in danger of using the future tense.

## New year's resolution: take the tort out of tautology

Stephen Day emailed with this new year's resolution: 'Completely eradicate pleonasm (this can be successfully achieved if we all pre-plan in advance and work jointly together in partnership).'

The Pikestaff team is completely and totally unanimous on the vital importance of everyone all making this their intended target and customary habit.

## Word of the year

Announcing Oxford University Press's word of 2012, Fiona McPherson (a lexicographer on the judging panel) explains how this is chosen (and yes, she really did say 'anytime soon'):

*We sit round a table, reviewing words which have made a big impact on the English*



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language over the past year, and try to pick the stand-out one. The refreshing element from a lexicographer's point of view is that we don't have to try and gauge whether the word will be a flash in the pan, a one hit wonder, sticking around for a short while before fizzling out, or whether it might have some lasting currency. These words won't necessarily find themselves in an Oxford Dictionary anytime soon – many will be far too new or ephemeral – but that isn't really the point. Instead, we are able to focus on the new additions to our vocabulary each year that have been influenced by popular culture, sport, politics, and other current affairs.

The 2012 word of the year is 'omnishambles'. Coined by the writers of the television show *The Thick of It* (a comedy series that satirizes the inner workings of modern British government), an omnishambles is defined as 'a situation that has been comprehensively mismanaged, and is characterized by a string of blunders and miscalculations'; the



adjectival form – in case you were wondering – is 'omnishambolic'. Chosen for its ability to reflect the public mood and to sum up events over the year, 'omnishambles' has been 'linguistically productive in its own right, producing a number of related coinages' – including 'Romneyshambles' (coined in the UK to describe US presidential candidate Mitt Romney's doubts that London had what it took to host a successful Olympic Games) and 'omnivoreshambles' (describing the furore over the proposed badger cull in England and Wales). 'Omnishambles' has even earned its own entry on Wikipedia.

Several other candidates also related to politics, with 'Eurogeddon' (the potential financial collapse of European countries that have adopted the euro) and 'pastygate' (the scandal surrounding the discovery that Prime Minister David Cameron falsely claimed to have eaten a pasty). Other themes for words considered included:

- the Olympics – with 'torch relay'; 'games makers' (volunteers who helped the public at Olympic venues); 'Bolting' and doing the 'Mobot' (victory poses adopted by athletes Usain Bolt and Mo Farah); 'to medal' and 'to podium'; and 'Jubilympics' (referring to the Olympics and the Queen's Diamond Jubilee together)
- publishing – 'mummy porn', erotica written for women – though more accurately called 'e-rotica', a 'rather apt nod to the fact that the phenomenon was fuelled by a surge of sales on e-readers', apparently for those (understandably) too embarrassed about attracting attention to their reading about Mr Grey's shady and inequitable antics
- technology and social media – with 'second screening' (watching telly while using a smartphone, laptop etc); 'unboxing' (videoing the removal of a new electronic device from its box and then loading the video to the web: ¿qué?); and 'bashtagging' ('using a company's promotional hashtag on Twitter to criticize or complain about the company, rather than endorse it').

[Source: <http://blog.oxforddictionaries.com/2012/11/uk-word-of-the-year-2012/>]

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## Let's get quizzical

Many of the words mentioned above are made up of two other words – in the same way as the more familiar 'smog' (smoke and fog), 'brunch' (breakfast and lunch), 'Chunnel' (Channel and tunnel), 'Oxbridge' (Oxford and Cambridge) and (invented by Lewis Carroll) 'chortle' (chuckle and snort). But do you know what this type of word is called?

As usual, you'll find the answer at the end.

## International news

### WriteMark Plain English Awards (New Zealand)

The Cancer Society scooped the prize for best organization, worth 10,000 New Zealand dollars. The judges commented that it 'has a remarkable and thorough system in place to ensure that plain English is the norm across the organisation', and that 'many health organisations would benefit from adopting the Cancer Society's approach'. The winner said: 'We want people with cancer and their carers to receive information that's clear and in a format they want it to receive it in.'

And the winner of 'Best Plain English Sentence Transformation' was Telecom New Zealand Limited, with the following:

**Before:** *One of our technicians will enable the DSL port on the DSLAM at our exchange and we will send you an e-text when ADSL is active on your line.*

**After:** *Your broadband connection is underway. We will send you a text message when it is ready for you to use.*

Nova Energy, meanwhile, had the dubious honour of winning the 'Brainstrain' award for its *Terms and Conditions for Gas and Electricity Supply*, which judges deemed 'illegible, inaccessible, and a fine example of fine print'. The person who sent this entry said: 'I believe the document speaks for itself. It's amazing how much information they have managed to put on one side of an A4 page. I didn't bother reading it at all.'

Gregory Fortuin, Awards Trust Chair, commented that the 'Brainstrain' award 'usually gives organisations strong reasons for changing the way they communicate. We have every confidence that Nova will hear the message and take action'. Award presenter and sponsor, Sue Chetwin of Consumer NZ, congratulated Nova – who bravely turned up to collect their award of a stainless-steel bin filled with 'sour worm' sweets – for promising to take the feedback seriously.



See <http://www.plainenglishawards.org.nz/> for information on the winners of the other nine categories.

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## Good retirement, Joe Kimble

Professor Joseph Kimble has just retired from teaching (at the Thomas M Cooley Law School, Michigan). Joe has contributed a huge amount to the plain-language field, and in 2007 won the first Plain Language Association International Award for being a 'champion, leader, and visionary in the international plain-language field'. He has written two books on plain language, the more recent being

*Writing for Dollars, Writing to Please*, a collection of 50 evidence-based studies: see <http://www.cap-press.com/books/isbn/9781611631913/Writing-for-Dollars-Writing-to-Please> (more on this book in Pikestaff 57). Although Joe will continue to work for the law school as an advisor and supervisor, we would like to wish him a happy and healthy retirement, with this special message:

*Consequent upon the imminent departure from the pedagogical firmament of Professor Joseph Kimble, universal approbation has been offered at Plain Language Commission for the said professor's attempts, among the alumni of the Thomas Cooley Law School, to inculcate conceptual frameworks relating to the clarification of legalistic terminology. Notwithstanding the foregoing, Joe, for everything you have given, devised and bequeathed to your students and colleagues, you shall be congratulated by us, your good friends Martin Cutts and Sarah Carr.*

## International Plain Language Day 2013

Last month, we reported on the second International Plain Language (IPL) Day, which took place on 13 October (the second anniversary of the US Plain Writing Act being passed). This year's IPL Day will be celebrated at the twentieth-anniversary conference of the Plain Language Association International (PLAIN), to be held in Vancouver, Canada from 10 to 13 October 2013. The organizers are now calling for proposals (to be submitted by 28 February). Here, with a tantalizing shot from beautiful British Columbia, is PLAIN's advert for the event.

www.**PLAIN2013**.org

**PLAIN** 2013

**PLAIN's**  
20<sup>th</sup> Anniversary  
CONFERENCE

Vancouver, BC Canada  
**OCTOBER**  
**10-13, 2013**

Early registration  
deadline **APRIL 15**

SEE YOU THERE!

**IT'S CLEAR!** The advantage is being there!

**PLAIN 2013**  
CONFERENCE

**PLAIN LANGUAGE ADVANCES**

**Gain new skills**  
Enhance your knowledge  
**Discover new research**  
Develop best practices  
**Network and share**

Celebrate  
International Plain  
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## **New on our website since Pikestaff 59**

*(Click on any item to view online)*

21 January	Act of God kills two and saves two, allegedly
21 January	Cause of UK baby boom a mystery to midwives and Today
21 January	Definitely not dishonest, let's be clear
21 January	Fraudulent sentences and the courage of burglars
21 January	Semicolon goes missing at HMRC
21 January	You say 'obtrusive', I say 'obstructive'; let's call this prosecution off
10 December	Miracle in Stockport: 'legible' signs become six times bigger
9 December	Health info too complex for many, says professor
9 December	MP on warpath over private-parking signs rip-off
9 December	Pesky past tense causes more trouble
9 December	Pure gold of Olympic howlers
6 December	New Zealand's plain-English awards event shows the way
6 December	Plain English Campaign Ltd: another year, another loopy ceremony
26 November	Alpha male's emails reveal novel approach to military liaison work
26 November	Canada: it's precipitating small flurry animals
26 November	Passives deployed by Rotherham thought police in foster-family row
26 November	Proofreaders kneaded, and for dough



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## Facebook

Pikestaff has its own page on Facebook, thanks to colleague James Fisher-Martins, who has kindly set this up for us and is posting regular features there. So visit <http://www.facebook.com/PikestaffNews> and have a look for yourself. What's not to 'like'?

## Back issues

You can see back issues of Pikestaff on our website, as well as an index showing each month's content.

## Tell a friend

If you think friends or colleagues would enjoy Pikestaff, please feel free to forward the newsletter (or any part of it) to them.

## Spread the word

We're happy for you to use any of our articles to promote plain language, provided you acknowledge Pikestaff as the source.

## Rolling the credits

Pikestaff is written by Sarah Carr and edited by Martin Cutts.  
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### Let's get quizzical: answer

#### Portmanteau word

*The Oxford Dictionary defines the noun 'portmanteau' as 'a large travelling bag made of stiff leather and opening into two equal parts', and its adjective form as 'consisting of two or more aspects or qualities'. The word is derived from the French 'portemanteau', meaning literally 'carries coat' and referring to a bag as described above or to a coat-and-hat rack or stand. So now you know, if you didn't already.*

*Thanks to Ray Ward for providing the quiz question.*