

Plain English

The magazine of Plain English Campaign - Issue 56 (July 2003)

Watchdog vows to rid solicitors' offices of needless jargon



January 1999: Legalese and Latin are banished from the civil courts



July 2001: 'Plain English should be the norm' says criminal courts review

After years of campaigning, plain English information from solicitors is now a right, not a privilege.

The Law Society, which regulates 85,000 solicitors in England and Wales, has told its members to cut down on unnecessary jargon. The Society made the call in a new client's charter, launched with Plain English Campaign's backing.

Law Society chief executive Janet Paraskeva (pictured right) said that around a quarter of complaints about solicitors were about poor communication. 'We are not saying solicitors must not use legal jargon but if there are legal terms that must be put into a document, they must explain what those terms mean.' She also urged the public not to be too shy to ask solicitors to explain terms.

The new charter promises clients that their solicitor will 'make every effort to explain things clearly, and in terms you can understand, keeping jargon to a minimum'.

The charter only affects England and Wales, though the Scottish Consumer Council has called for solicitors in Scotland to adopt the principles. A spokesman for the Law Society of Scotland told the Glasgow Herald that Scottish solicitors 'have a good



business sense and a good idea of what communication is. They know that to run a successful business they need to see client care as one of the fundamental matters of what they are doing and that includes using simple language and good communication.'

The charter completes a hat-trick of victories for plain English against legal jargon. In 1999, Lord Justice Woolf's reforms of the civil court system led to the replacement of many Latin and legal jargon terms. And in 2001, a report by Lord Justice Auld established the principle that 'plain English should be the norm' in criminal courts.

Just what are you driving at?



Can you guess which car the Times motoring correspondent is describing in this extract?

'For the record, the 5-series is not only pioneering AFS but offers BFD along with ACC with DCS, which uses DTC and ASC. DVD is, of course, an essential, but what about PDC and don't forget the new biVanos qualifies for ULEVII in the US.

'Just to recap for those of you still ploughing your way through that maze of letters, the 5-series press pack reminds us helpfully:

'As soon as the car leaves the DTC range, the control unit will automatically switch to the normal DCS/ACS mode, then, however, switching back to DTC as soon as the car re-enters the DTC range.'

Perhaps inevitably, the car concerned is... a BMW.

A war of words

During a recent debate on proposed anti-social behaviour laws, MP Nick Hawkins said, 'I can envisage a battle between the Plain English Campaign and parliamentary counsel...'

He was referring to the following clause.

'1) The Secretary of State may by order provide that paragraph 1(2)(aa) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any provision for the time being mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001 which is specified in the order.'

Linguistic lottery

It appears Daily Mail writer Quentin Letts is becoming a little frustrated with his Parliamentary work:

'Take the following words: bureaucratic, robust, regulation, impact, assessment, measure, audit.

Throw in an 'assure', maybe a 'Right Honourable Friend', a 'Government', 'committed', 'strategy' and 'implementation'.

Now add a watery smile, give the words a good, long shake and say them again in whatever order you desire.

Done it? Good. You now know just about everything you need to know about yesterday's Trade and Industry Questions in the Commons.'

A snub to the snobs

We're sure many of you have come across the argument that plain English is a bad thing because it involves 'dumbing down' the language.

Here's a great response from Janet Pringle, a speaker at last year's Plain Language Association International conference in Toronto.

'I am always careful to point out I am not desecrating any classics, but I am seriously involved in communicating information and that this information has no value unless it is understood. I suggest that we are not 'dumbing down' buildings when we include wheelchair ramps, even though many of us don't need them.'

Do you think he likes me?

Office workers often feel they don't get their fair share of praise from senior management.

But that's not a problem for one man

who forwarded an e-mail to us. He just isn't sure what the compliment means.

The boss explained: 'I admire your focused attention to screening

the quantum of remaining potentiality vs the generic strategic quantum of growth potentiality that we are now trying to seek access to.'

Finance watchdog finally gets tough: £100,000 fine for misleading advert



The Financial Services Authority (FSA) has fined a firm £100,000 for misleading advertising.

DBS Financial Management had sent out 4.5 million brochures with national newspapers in June 2001. The FSA's objections to the brochure included:

- the phrase '100% capital security over five years' (this only applied on the fifth anniversary of the investment rather than at all points during the five years);

- the front cover stating 'all at no initial charge' (there was an initial charge of 6%); and
- using growth rates of 14.4% and 22.2% for projections (these are arguably extremely optimistic, and far higher than the FSA allows).

DBS also failed to follow FSA orders to improve their process for checking adverts before publication.

FSA managing director Carol Sergeant said: 'This is the FSA's

first fine for misleading advertising. We require financial advertisements to be 'clear, fair and not misleading'.

'The direct offer advertisement for 'Protected ISAs' that was approved by DBS did not come close to meeting this standard.'

After the FSA began its investigation, DBS contacted all 455 people who took up the product in response to the advert and offered them a full refund.

Sting in the tail

There was good news and bad news for lovers of plain speaking when Michael Foot, a managing director at the Financial Services Authority, addressed a recent seminar.

The good news is that he was perfectly unambiguous when he stated that there is 'a great deal of money-laundering going on throughout the UK'.

The bad news is that he then described this situation as 'highly sub-optimal'.

Brought to book

There are many books today explaining complicated subjects in plain English, but the idea is nothing new. We've come across the following from antique book dealers recently.

- 1713: Mr Collins' Discourse of Free-thinking, put into plain English, by way of Abstract, for the Use of the Poor. By a Friend of the Author (who was in fact Jonathan Swift)
- 1796: A Little Plain English by William Corbett (A book 'addressed to the People of the United States', putting the argument for the treaty with Great Britain)
- 1869: The House We Live In: How To Keep It In Order; or, The Experience of Seventy Years' Successful Practice of the Medical Profession, East and West, in Plain English for the People by Parker Sedgwick
- 1895: The People's Common Sense Medical Adviser in Plain English or Medicine Simplified by Dr RV Pierce
- 1908: Popular Electricity in Plain English (a magazine)

My client's sentence is out of order!

Some grammatical errors are merely embarrassing. Others can have more amusing consequences.

A recent court order from Weymouth magistrates' court contained a mistaken double-negative.

Instead of banning a man from drinking in public, it effectively said he was legally required to drink in public.

The order has now been retyped.

Doctors and patients call for healthy curiosity



Medical experts across the United States have formed a group to improve communication between doctors and patients.

The 'Partnership for Clear Health Communication' (PFCHC) includes high-profile medical groups such as the American Medical Association and the American Public Health Association.

The new group has launched a website (www.askme3.org). The name comes from research suggesting most patients have three main questions for doctors.

- What is my main problem?
- What do I need to do?
- Why is it important for me to do this?

A PFCHC guide explains that there are four main types of term that cause confusion among patients:

- medical jargon (such as 'dysfunction' or 'lesion');
- unfamiliar words for concepts (such as 'collaborate' or 'gauge');
- unfamiliar categories (such as 'generic'); and
- value or judgement words (such as 'cautiously' or 'excessive').

To mark the occasion, PFCHC held a national 'Day of Understanding'. As well as encouraging doctors to communicate clearly, the group aims to encourage patients not to feel ashamed to ask questions.

Supermarket protests 'ham-fisted' ruling

The European Court has ruled that ham from Parma is not always 'Parma ham'.

The case involved British supermarket Asda, which imported ham from Italy but sliced and packaged it in the United Kingdom. The Court ruled that the slicing and packaging was part of the process that gave the meat its 'quality and authenticity'.

A loophole means that, while Asda now cannot sell packets of sliced 'Parma ham', they can slice

a 'Parma ham' in front of the customer in a delicatessen counter. An Asda spokesman described the ruling as 'ham-fisted'.

'Parma ham' is registered under the European Union's rules which protect about 500 regional product names such as Stilton cheese and Newcastle Brown Ale. However, many products, such as Cheddar cheese and Eccles cakes, are not covered. This is because they were already widely produced outside their named region when the rules took force in 1992.

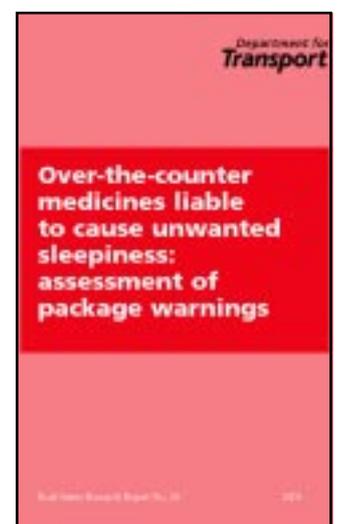
Drowsy drivers dogged by dubious details

A study for the Department for Transport suggests labels on over-the-counter medicines may not be clear enough to avoid traffic accidents caused by drowsiness.

The study found that warnings were inconsistent: different manufacturers would give different information for products containing the same active

ingredient. And in some cases, the information on the packaging would be different to the information on the patient information leaflet.

Loughborough University's Sleep Research Unit, which carried out the study, said the visibility of the labels was often inadequate, and called for a standard symbol for drowsiness warnings.



Children offer clear foundation for cosmetics instructions



Nine of the youngest campaigners for clarity have offered advice to help cosmetics companies avoid alienating new customers.

The suggestions come from a group of Liverpool girls, aged between 12 and 16. They tested cosmetics instructions as part of a project led by 12-year-old Rebecca Brown (pictured top right — with face mask!), the granddaughter of Plain English Campaign's founder-director Chrissie Maher.

'It's natural for girls our age to experiment with beauty products,' Rebecca said. 'And

the magazines we read are full of adverts for make-up. But the manufacturers seem to forget teenagers use their products and need clear instructions.

'We're not asking for everything to be written in baby talk. We just want the people writing the instructions to remember that not everyone is an expert on how to use the products.

'We think it would make sense to put the safety information first because this affects everybody. Then you can go on to explain clearly how to use the product. People who already know this can stop reading at

this point, so there's no need to worry about saying things that may seem obvious.'

Rebecca says cosmetics manufacturers shouldn't dismiss the suggestions (printed below) just because they come from children.

'We're the customers of the future. If a manufacturer gives us clear instructions, we're more likely to get good results from a product. And that means we're more likely to buy that manufacturer's products when we get older and start spending wages instead of pocket money.'



Tester Katey Brown (Rebecca's sister)

Rebecca's tips

- Put the safety warnings first as they are the most important information.
- Use photographs to give people a better idea of how the results should look if the product is used properly.
- Give clear details of how much of the product to use.
- Don't use uncommon words if an everyday alternative will do just as well.
- Mention on the box if there is anything else you need to have before you can use the product.

Warranties should be clear ...and that's a guarantee

Guarantees for goods sold in England must now be written in plain English. The change, which turns a European Community directive into British law, took effect from 31 March.

If guarantees are not written in 'plain intelligible language', the

Director General of Fair Trading can apply for a court injunction to force a change.

The new rule came in 'The Sale and Supply of Goods to Consumers Regulations 2002' which say:

'The guarantor shall ensure that the guarantee sets out in plain

intelligible language the contents of the guarantee and the essential particulars necessary for making claims under the guarantee, notably the duration and territorial scope of the guarantee as well as the name and address of the guarantor.'

And what do you do exactly?

At times we think councils might be having a contest to come up with the most baffling committee title.

It started with Trafford Metropolitan Borough Council's notice about a 'MEETING OF THE COMMUNITY SAFETY AND NEIGHBOURHOOD SAFETY/HUMAN RESOURCES SPOKESPERSON DECISION GROUP MEETING AS A SUB-COMMITTEE'.

Rotherham Council then came up with a 'Support for Vulnerable People and Creating Revitalised, Inclusive and Safe Communities Scrutiny Panel'.

Now we hear Staffordshire County Council has a 'Supporting People Shadow Commissioning Body Member Board'.

Judge Joseph junks jargon for jurors

Judges and lawyers in Ohio will be encouraged to use plain English when giving instructions to jurors as part of a legal experiment.

The scheme will involve around 8000 trials. Judge Joseph T Clark, chairman of the Ohio Supreme Court task force on jury service, said the scheme could help avoid misinterpretation by jurors.

He gave the example of 'proximate cause', which jurors could confuse with approximate, rather than its legal meaning of 'the single action that sets off a chain of events'.

You've got a week to work it out

Timeshare agreements have produced much confusion in the past, and the relevant legislation has seemed to defy clear explanation. But at least the name was catchy.

According to one newspaper, the Marriott group is now offering 'fractional ownership residences'.

It's ever so clear he's a person you should fear

We've seen some horrendous legal notices on websites. And direct marketers often produce some incredible waffle.

So we were very surprised to see a perfectly clear copyright warning on a website about producing marketing letters (www.thegaryhalbertletter.com).

The warning is so clear, we were almost too afraid to reproduce it!

'Don't even think about reproducing and/or selling even one sentence of these letters in any form whatsoever. They are all copyrighted and, if you do rip them off, I guarantee you will have a 'legal experience' so unpleasant it will give you nightmares forever!'

The real world

The uncensored views of our founder-director Chrissie Maher

Can you imagine drinking a cup of tea with 12 teaspoonfuls of sugar in it? You wouldn't dream of it, would you? But would you believe that's how much sugar is in an average can of fizzy cola.

Of course, you'd never know from the label. The best you'll get is a list of ingredients such as sucrose, glucose, dextrose and syrup. And you may also get a figure for carbohydrates (which includes 'natural' sugar).

What you won't get is any indication of whether what you are eating or drinking has more or less sugar than you might expect.

And when you start looking for salt content, things get even worse. With around 245,000 people dying from heart disease each year, it's hardly being picky to want to know. But the label won't tell you that the suggested healthy level is six grams a day (at the moment,

British adults average about nine grams a day).

If you are lucky, the label will list 'sodium' content in grams. But unless you understand the science, you'd never realise that you need to multiply this by 2.55 to get the salt content.

And we're not talking minor differences here. According to a recent study, a ready-made shepherd's pie can have anything from 22% to 97% of the six-gram daily allowance depending on the manufacturer.

The Food Standards Agency (FSA) last researched public knowledge in late 2001 and found most people don't realise sodium content and salt content are different.

They also found people get confused by figures expressed as 'per 100g' or 'per [dubiously sized] portion'.

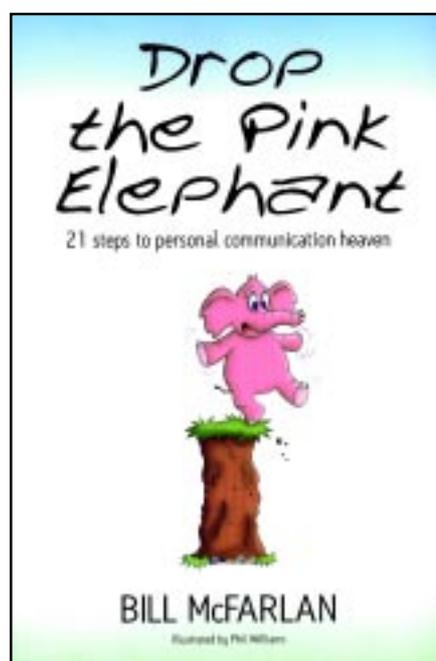
If you ask me (and if you don't, I'm going to tell you anyway),



there should be no 'voluntary schemes' or get-out clauses. The only thing that will work is a law. Every food or drink product should tell you how many teaspoons of sugar it contains (in whatever form) so that you can tell straight away if you think it's too much.

And the label should also tell you how much salt (**not** sodium) it contains, and how this compares to the six-gram daily allowance. If necessary, the label should clearly say 'High salt content'.

The manufacturers will probably whine and moan about this idea. Well, tough. If they want to sell food packed full of salt and sugar, that's their choice — but it's time they stopped acting like they've got something to hide.



Book review: Drop the Pink Elephant by Bill McFarlan

Written by a former television presenter, this look at effective communication starts with a bizarre mental image.

By asking the reader to try to avoid thinking of a pink elephant (which becomes an impossible task), the writer shows how language creating negative images can backfire. As a famous example, he recalls the way US President Richard Nixon's denial of a whitewash led many voters to consider such an idea for the first time.

Although the book gets a little tiresome in hammering home this point (almost every use of the word 'not', however unrelated, is followed by the phrase '**Pink Elephant!**'), it goes on to tackle every aspect of personal communication in a crisp, entertaining style.

Plain English supporters will be particularly interested in the chapters dealing with jargon (especially unfamiliar abbreviations) and grammar.

'Drop the Pink Elephant' is published by Capstone.

Training diary

For more details on any of these courses, please call Helen Mayo on 01663 744409.

As you can see, we have a range of special courses. These events look at plain English in particular types of writing.

If there is another subject you think we should cover in similar courses, please let us know.

We also have a range of courses available for learning through the internet. You can get more details on-line by going to www.plainenglishtraining.com

Date	Venue	Course
Tuesday 12 August	London	Plain English
Wednesday 20 August	Manchester	Plain English
Wednesday 10 September	London	Plain English
Friday 12 September	London	Legal writing
Wednesday 17 September	Birmingham	Grammarcheck
Thursday 18 September	Birmingham	Plain English
Tuesday 7 October	London	Grammarcheck
Wednesday 8 October	London	Plain English
Wednesday 8 October	Manchester	Grammarcheck
Thursday 9 October	Manchester	Plain English
Tuesday 14 October	Edinburgh	Grammarcheck
Wednesday 15 October	Edinburgh	Plain English
Thursday 6 November	London	Report writing
Thursday 13 November	London	Plain English
Thursday 20 November	London	Medical writing
Thursday 27 November	London	Form design
Tuesday 2 December	Manchester	Plain English
Thursday 4 December	London	Advanced grammar
Tuesday 9 December	London	Plain English

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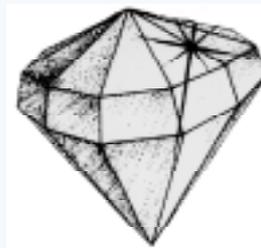
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Welcome aboard

The following organisations have earned their first Crystal Mark since our last issue.

- A & M Publishing
- Aegon Asset Management UK
- Chester and District Housing Trust
- Chorley Borough Council
- Derbyshire Mental Health Services NHS Trust
- Disabled Persons Transport Advisory Committee
- Electricity Supply Board
- Expacare Insurance Services
- Fred Duncombe Limited
- General Dental Council
- Greater Glasgow Primary Care Trust
- Heantun Housing Association Limited
- Hibernian General Insurance Limited
- Knowsley Housing Trust
- Midlothian Council
- NIACAB
- North East London Cancer Network
- North Warwickshire Council
- Nvest plc
- Regional Investments Fund for England
- Sanctuary Housing Association
- Sanofi-Synthelabo
- Shepherd Building Group
- Sherwood Forest Hospitals Trust
- Shrewsbury and Atcham Borough Council
- Tollcross Housing Association
- Transport for London
- Vodafone Limited
- Walsall Housing Group (Darlaston Housing Trust)