

<b>COMPLAINT NUMBER</b>	17/091
<b>COMPLAINANT</b>	N McLean
<b>ADVERTISER</b>	Sabotage Theory
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	20 March 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Facebook advertisement for a concert at the Refuel Bar Dunedin and the New City Hotel in Christchurch was headlined “Rage Against the Machine - New Zealand Live Tribute With Guests Deftones by Tone-def, Korn by Kron and Alice in Chains by Alice Would”. The titles of the bands were written in different fonts. The advertised price for the concert was \$15.00.

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, N McLean, said:** Misleading use of original trademarks which lead to my partner misinterpreting the event as an official concert, rather than cover artists. Partner made purchase on my behalf before I checked the page and realised it wasn’t the original musicians. Description of event contains outright lies "Don’t miss the chance to experience Rage Against the Machine, Alice in Chains, KoRn & Deftones live, raw and uncensored in Christchurch!" without adequate disclosure of real identity. My claim that the disclosure is not adequate comes from the way the concert was explained to me, not by my own interpretation of the advert. If it slipped past her then it wasn’t good enough, just because I was able to read it in a way more accurate to reality

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2.**

**The Chair** noted the Complainant’s concerns that the advertisement was misleading because of the use of original trademarks and the inadequate disclosure of the real identity of the performers.

The Chair said the word “tribute” was used more than once in the advertisement and there was a clear indication that the bands were not appearing in person, for example “Deftones by Tone-def” and “KoRn by KRON”.

The Chair said the advertisement also contained the sentence “... Joining Sabotage Theory for this event are Alice in Chains (Alice Would?) KoRn (KRON) and Deftones (Tone-Def) tribute bands to make it a massive tribute night ...”

The Chair said the bands in question are well-known American rock or metal bands and it would have been reasonable to expect that the entrance fee for such a concert would be more than the advertised price of \$15.

Therefore, the Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach of Basic Principle 4 or Rule 2

of the Code of Ethics. Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling:** Complaint **No Grounds to Proceed**