

COMPLAINT NUMBER	17/177
COMPLAINANT	M Sired and N Lawler
ADVERTISER	NZME
ADVERTISEMENT	NZME, Digital Marketing
DATE OF MEETING	13 June 2017
OUTCOME	Not Upheld

SUMMARY

The digital advertisement for WatchMe, shows the clothed wet crotch area of a woman with the tagline “Big laughs. Little wees”

Two Complainants expressed concern about the advertisement being offensive to those suffer from incontinence problems. One Complainant also raised the issue of placement of the advertisement within a sensitive article.

The Complaints Board acknowledged that the Advertiser had taken the self-regulatory action of removing the advertisement from the article in question.

The Complaints Board ruled the advertisement did not reach the threshold to breach the Code of Ethics or Code for People in Advertising as it was unlikely to cause serious or widespread offence and was not targeted towards any particular condition or group of people.

The Complaints Board ruled the complaint was **Not Upheld**.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 5 of the Code of Ethics and Basic Principle 3 of the Code for People in Advertising. This required the Complaints Board to consider whether the advertisements were prepared with a due sense of social responsibility to consumers and to society; and whether they contained anything which in the light of generally prevailing community standards was likely to cause serious or widespread offence taking into account the context, medium, audience and produce (including services).

The Board was also required to consider whether the advertisements 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 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.

The Complaints Board ruled the complaints were Not Upheld.

The advertisement received two complaints. M Sired said the advertisement placement was especially offensive given that it occurred within an article about the sexual abuse of a child. N Lawler felt that it was inappropriate to joke about incontinence.

The Advertiser's Response

NZME responded as the Advertiser and the Media. They explained that advertisements were automatically placed using a 'run of site' system, based on likely audiences. They acknowledged the offence taken by the placement of the advertisement within the sexual abuse article and confirmed it had been removed from it on receipt of the complaint.

Placement aside, the creative team considered the advertisement to be appropriate within the general context, medium, and audience of NZME's websites, and did not consider that it breached the Advertising Codes. The advertisement's humour around laughing until the point of slight bladder leakage was in keeping with the irreverent, adult themed topics on www.watchme.co.nz

The Complaints Board Discussion

Placement

The Complaints Board acknowledged the Advertiser's response regarding the automatic placement of advertisements within news articles and noted it had taken action to remove the advertisement from the article on receipt of M.Sired's complaint.

Code of Ethics

While the Complaints Board found the advertisement image distasteful, it agreed that it was saved by the attempt at humour, using the tagline "Big laughs, Little wees", which is a play on the common vernacular about laughing so hard you wet yourself.. The Complaints Board agreed the advertisement was directed at an adult audience on a news site. The Complaints Board confirmed the advertisement did not reach the threshold to cause serious or widespread offence.

Code for People in Advertising

The Complaints Board noted the Code for People in Advertising had been included because of the concerns raised in the complaints about incontinence and the possibility that it targeted older people. The Complaints Board agreed the advertisement was not targeting people of any age who may have an incontinence problem but intended to reflect that the humour available on the WatchMe site could cause anyone to have momentary incontinence due to laughter.

The Complaints Board said the advertisement did not meet the threshold to breach the Code of Ethics or the Code for People in Advertising.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The digital advertisement for WatchMe, on www.nzherald.co.nz shows the clothed wet crotch area of a woman with the tagline "Big laughs. Little wees – watchme.co.nz "

COMPLAINT FROM M SIRED

Inappropriate advert regarding incontinence especially considering the context of the article I was reading.

COMPLAINT FROM N LAWLER

I was reading the herald recently and I came across and add which I found quite inappropriate it was the WatchMe add and in the add picture it showed a person who had wet themselves I found this to be quite offensive because some people do have problems with incontinence.

CODE OF ETHICS

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

Rule 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).

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).

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.

RESPONSE ON BEHALF OF ADVERTISER, WATCHME, AND MEDIA: NZME

We are writing on behalf of ourselves as NZME, and the Advertiser, WatchMe, in response to the above complaint.

The digital advertisement was created by NZME to run on its websites and shows the clothed crotch of a woman, bearing a wet patch, and the headline, "big laughs, little wees." We note that the relevant Codes to this complaint are:

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

Rule 4: Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5: 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).

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.

We would point out in the first instance that these Digital ads are placed on a 'run of site' basis on the New Zealand Herald site - in other words, ads are placed automatically based on likely audiences. Provided the advertisement meets NZME's internal guidelines and the Codes, it can appear wherever an appropriate audience is viewing.

However, we have withdrawn the ad from the article cited in M Sired and N Lawler's complaints, and it will not show again there.

In considering whether the advertisement breaches any of the codes, our first consideration is the audience. The audience sought in this case (NZME's online content) are adult (20+) professionals seeking news, sport, and entertainment. In the course of a day's reading, this audience is likely to come across a spectrum of editorial content, from lighthearted to disturbing, dealing with subjects as diverse as war, politics, sport, crime, and entertainment. Violence and sexual subject matter is also common.

In the context of this audience, we believe that the advertisement in itself does not breach the codes.

WatchMe creates New Zealand video content with often irreverent, adult themed topics and humour. While in questionable taste, the campaign's concept - that of laughing to the point of slight bladder leakage - is consistent with WatchMe's brand. It is also consistent with common vernacular, particularly the phrase "I peed myself laughing," a common figure of speech for laughing heartily. The campaign features both men and women having suffered the accident from laughing too hard.

We have similar executions on radio, in which characters laugh before making a little apology or utterance of dismay, in response to suffering a leak.

The campaign does not focus on any particular group of people, nor ridicule them; we believe the messaging and context make it clear that the momentary incontinence caused by laughter can affect anybody, its occurrence is a dread we all share. Sufferers of chronic incontinence have not been singled out.

We do not believe that these ads are likely to cause serious or widespread offence; however, we acknowledge that some will find them puerile, or distasteful. We also acknowledge the offence taken by its placement on the article in question, hence our decision to withdraw it from that page.

Rule 6 of the Code for People in Advertising states that,

Humorous and satirical treatment 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.

We believe that the advertisement was appropriate within the general context, medium, and audience of NZME's websites, and that it does not breach the Advertising Codes. However, we have removed it from the article specified in these complaints, and will continue to monitor the placement of these ads in the future.