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| COMPLAINT NUMBER | 17/221 |
| COMPLAINANT | A Zapisetskiy |
| ADVERTISER | World Press Photo Exhibition NZ |
| ADVERTISEMENT | World Press Photo Exhibition NZ Out of Home |
| DATE OF MEETING | 25 July 2017 |
| OUTCOME | Not Upheld |

SUMMARY

The poster advertisement for the World Press Photo Exhibition NZ in Auckland showed Russian ambassador Andrey Karlov, who was assassinated by an off-duty Turkish police officer while he was speaking at an art gallery, dead on the ground while the gunman holds his gun in the air. The poster provided information on where the exhibition was being held and contained the disclaimer “Visitor Discretion Advised”.

The Complainant was concerned the advertisement was a gruesome depiction of a real-life event which showed a dead body and promoted extremism, terrorism and violence.

The Agency said the image was judged photo of the year and had been widely used to promote the World Press Photo Exhibition internationally.

The majority of the Complaints Board said the advertisement showed a real-life event that was widely reported that would be familiar to most people and while the image of the dead body was confronting, it was not gruesome and there was a high public interest. It said the advertisement did not endorse violent behaviour but was reflective of the news media’s freedom of expression, did not lend support to unacceptable violent behaviour and not was likely to cause serious and widespread offence. The majority ruled the advertisement was not in breach of Basic Principle 4 and Rules 4, 5, and 7 of the Code of Ethics.

A minority said the advertisement was likely to cause serious and widespread offence due to the untargeted poster medium and more care should have been taken to ensure it was not exposed to such a wide audience considering the graphic, real-life violence. It said the advertisement was in breach of Rule 5 of the Code of Ethics due to its unfiltered reach. Some in the minority went further and said the advertisement also offended against community standards and lent support to violent behaviour, also in breach of Rules 4 and 7 of the Code of Ethics.

In accordance with the majority, 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

Preliminary matter: The Complaints Board considered whether Rule 12 of the Code of Ethics was applicable to the complaint before it. The Complaints Board noted the concerns of the Complainant however, taking into account the spirit and intent of the Code, its view was the content before it obviously presented a dangerous situation and the application of Rule 12 to the advertisement was redundant. As such, the Complaints Board ruled Rule 12 would not be applied to the advertisement before it.

The Chair of the Complaints Board directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rules 4, 5, and 7 of the Code of Ethics.

This required the Complaints Board to consider whether the advertisement contained anything which clearly offends against generally prevailing community standards or is likely to cause serious or widespread offence, taking into account the context, medium, audience and product (including services) or lends support to unacceptable violent behaviour.

The Complaints Board were also required to consider whether the advertisement was prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board ruled the complaint was Not Upheld.

The advertisement

The poster advertisement for the World Press Photo Exhibition NZ in Auckland showed Russian ambassador Andrey Karlov, who was assassinated by an off-duty Turkish police officer while he was speaking at an art gallery, dead on the ground while the gunman holds his gun in the air. The poster provided information on where the exhibition was being held and contained the disclaimer "Visitor Discretion Advised".

Complaint

The Complainant was concerned the advertisement was a gruesome depiction of a real-life event which showed a dead body. The Complainant said the advertisement "promotes extremism, terrorism and violence and it is well beyond of any ethical norms". The Complainant was of the view that there was a difference between "exhibiting a photo depicting terrible real-life events and using that same photo for the advertisement that is available to a wide range of audience (including children)."

Response from Agency, Crackerjack

The Complaints Board noted the promotional Agency's response that the image was being used in promotions for the World Press Photo Exhibition in 100 cities and 45 countries around the world and seen by over two million people. The Agency said, in part: "World Press Photo Exhibition is regarded as the world's most prestigious exhibition of international current affairs photography. It is a public showcase of photojournalism featuring award-winning images from the year's biggest and most memorable world events. Through gripping images, stories portrayed in the World Press Photo Exhibition evokes the full breadth of raw emotion."

The Agency said "the exhibition goer is typically someone who is interested in current affairs, who want to keep up with modern culture and trends. Active, opinionated, intelligent, confident individuals of all ages."

Regarding the image used in the advertisement, the Agency said it was judged photo of the year and said, in part the "Jury concluded that the courage the photographer had to continue photographing the events as it played out was monumental and made this image a clear winner...The image was already widely run in the news media all around the world before it

was a World Press Photo winning photo. This included the front page of the New York Times Magazine and was viewed 18 million times online in a very short space of time...We did not select this photo with any intent to promote 'indecent, offensiveness, violence or a disregard for safety. It was selected because it is the winning Exhibition image."

Deliberation

The Complaints Board turned to consider whether the advertisement offended against community standards, was likely to cause widespread or serious offence and whether it lent support to unacceptable violent behaviour.

The Complaints Board also acknowledged the role of the Bill of Rights Act in providing protection for freedom of expression however, it noted this freedom was not absolute. The Codes of Practice fettered this to an extent and the Complaints Board accepted the need for balance in assessing whether the limitations imposed by the Code are reasonable and demonstrably justified in the context of our society.

The majority of the Complaints Board were of the view the advertisement did not reach the threshold to breach the Code of Ethics. It took into account the image won the photo of the year and showed a real-life event that was widely reported and would be familiar to most people. While it acknowledged the image of the immediate aftermath of an assassination was confronting, it said the image was not gruesome and held high public interest.

It was the majority's view the advertisement did not endorse violent behaviour but was reflective of the news media's freedom of expression. It agreed the image illustrated a violent and grotesque act, but did not lend support to that kind of behaviour or promote it in a way that was likely to cause serious and widespread offence.

The majority ruled the advertisement did not reach the threshold to be considered irresponsible considering the context as an advertisement for the World Press Photo Exhibition and said it was not in breach of Basic Principle 4 and Rules 4, 5, and 7 of the Code of Ethics.

A minority disagreed and said the advertisement was likely to cause serious and widespread offence due to the untargeted poster medium. In its view, more care should have been taken to ensure the advertisement was not exposed to such a wide audience considering the content depicted an extremely violent and graphic real-life event. It said the advertisement was in breach of Rule 5 of the Code of Ethics due to its unfiltered reach.

Some in the minority went further and said the advertisement also offended against community standards and lent support to violent behaviour, also in breach of Rules 4 and 7 of the Code of Ethics.

However, in accordance with the majority, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The poster advertisement for the World Press Photo Exhibition NZ in Auckland appeared on in several locations around Auckland and showed Russian ambassador Andrey Karlov, who was assassinated by an off-duty Turkish police officer while he was speaking at an art gallery, dead on the ground while the gunman holds his gun in the air. The poster provided information on where the exhibition was being held and contained the disclaimer "Visitor Discretion Advised".

COMPLAINT FROM A ZAPISETSKIY

I would like to complain about the advertisement in relation to the World Press Photo Exhibition (held in Auckland from 1-30 July).

The advertisement is a gruesome visual representation of real life events - it shows the actual person, who assassinated the Russian ambassador Andrey Karlov in Ankara in December 2016. The actual dead body of the ambassador is also shown in the advertisement.

These are not actors being depicted - these are real life people in a real life event. A line needs to be drawn between exhibiting a photo depicting terrible real life events and using that same photo for the advertisement that is available to a wide range of audience (including children).

I believe this advertisement promotes extremism, terrorism and violence and it is well beyond of any ethical norms.

The advertisement also appears to be endorsed by Canon.

I believe it is in breach of rules 4 (Decency), 5 (Offensiveness), 7 (Violence), 12 (Safety) of the Advertising Code of Ethics.

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).

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

Rule 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.

RESPONSE FROM ADVERTISER: WORLD PRESS PHOTO EXHIBITION NZ

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| <p>A basic, neutral description of the advertisement</p> | <p>The billsticker advertises the World Press Photo image of the Year. It includes the dates which the World Press Photo Exhibition runs for (1st-30th July), as well as the location of the exhibition (Smith & Caughey's Queen St).</p> <p>This winning image depicts the Russian ambassador Andrey Karlov who was assassinated by an off-duty Turkish police officer, Mevlüt Mert Altıntaş, while he was speaking at an art gallery in Ankara, Turkey, on 19</p> |
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| | <p>December.</p> <p>This image is being used to promote the Exhibition in 100 cities and 45 countries around the world.</p> <p>The poster carries a disclaimer – Visitor Discretion Advised.</p> |
| Date advertisement began | 2 July 2017- 30 July 2017 |
| Where the advertisement appeared | <p>The advisement is in a Billsticker/poster form. These were booked via Phantom Billstickers.</p> <p>We have booked Phantoms locations in the CBD and the inner city suburbs to advertise. Phantom Billstickers use their billstickers/posters to promote a wide variety of products and events i.e. Game of Thrones launch through to International Film Festivals and Zoo Open Days.</p> <p>There are two different sized posters which we have booked:</p> <p>Max- 920mm by 1,320mm</p> <p>Super- 1,840mm by 2,640mm</p> <p>The winning image poster is 1 out of a set of 6 images.</p> |
| Is the advertisement still accessible – where and until when? | <p>2 July 2017- 30 July 2017</p> <p>The current location of the billsticker/poster in question is:</p> <ul style="list-style-type: none"> • 8a Pitt Street, CBD • 2 Newton Road, CBD • 111 Symonds St, CBD • 434 Broadway, New Market • 67 Custom St, CBD <p>The advertisement is in a series of 6 different images used as billstickers/posters. The billstickers/posters are changed and moved weekly around Phantoms Billsticker locations.</p> <p>These locations are as follows:</p> <ul style="list-style-type: none"> • 36 Symonds Street, CBD, Auckland • 29 Eden Crescent, CBD • 34 Princes Street, CBD • 37 Wellesley Street, CBD • 67 Victoria Street West, CBD • Ponsonby Central, Corners of Richmond Road, |

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| | <p>Brown Street and Ponsonby Road</p> <ul style="list-style-type: none"> • 623 Great North Road, Grey Lynn • 434 Broadway, New Market • 67 Customs St, CBD • 380 Khyber Pass Road, New Market • 8A Pitt Street, CBD • 2 St Johns Street, Meadowbank • 5B Roberta Avenue, Glendowie • 17 St Heliers Bay Road, St Heliers • 551 Mount Eden Road, Mount Eden • 367 Parnell Road, Parnell • 62 Jervois Road, Ponsonby • 323 Queen Street, CBD • 67 Customs Street, CBD |
| <p>Who is the product / brand target audience?</p> | <p>The exhibition has broad appeal and is seen by over two million people in some 45 countries worldwide. The exhibition yearbook presents all prize winning entries and is published annually in six languages.</p> <p>The exhibition goer is typically someone who is interested in current affairs, who want to keep up with modern culture and trends. Active, opinionated, intelligent, confident individuals of all ages.</p> <p>It is anticipated many clubs, groups, retirement villages and photographic clubs will arrange tours to visit the exhibition. In addition, the business community will have easy access and can view the exhibition in a lunch break as well as students from the local universities and language schools in the vicinity.</p> <p>For school classes planning a visit to the exhibition, World Press Photo offers a package of learning tools called Look & Click. The package provides resources for teachers introducing the subject of journalism and press photography to their students. It is ideally suited to be used in combination with a visit to a World Press Photo Exhibition and offers students the opportunity to explore various aspects of visual communication.</p> |
| <p>Clear substantiation on claims that are</p> | <p>World Press Photo Exhibition is regarded as the world's most prestigious exhibition of international current affairs</p> |

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| <p>challenged by the complainant.</p> | <p>photography. It is a public showcase of photojournalism featuring award-winning images from the year's biggest and most memorable world events. Through gripping images, stories portrayed in the World Press Photo Exhibition evokes the full breadth of raw emotion.</p> <p>The World Press Photo Exhibition is exhibited in 100 locations around the world annually. This year so far the exhibition has been to 30 locations including Auckland, Sydney, Tokyo, Amsterdam and Rome.</p> <p>It is the only international event of this stature, not simply bringing together pictures from all parts of the globe but also reflecting trends and developments in photojournalism, and revealing how the press gives us the news.</p> <p>The World Press Photo image of the Year was chosen by an independent jury. The Jury concluded that the courage the photographer had to continue photographing the events as it played out was monumental and made this image a clear winner.</p> <p>The image was already widely run in the news media all around the world before it was a World Press Photo winning photo. This included the front page of the New York Times Magazine and was viewed 18 million times online in a very short space of time.</p> <p>We did not select this photo with any intent to promote 'indecentcy, offensiveness, violence or a disregard for safety. It was selected because it is the winning Exhibition image.</p> <p>The Exhibition is brought to New Zealand by the Rotary Club of Auckland, an organisation of note. (Rotary is a global network of 1.2m neighbours, friends, leaders and problem-solvers who come together to make positive, lasting change in communities at home and abroad.</p> |
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