

COMPLAINT NUMBER	17/319
COMPLAINANT	M Collins
ADVERTISER	Electoral Commission
ADVERTISEMENT	Electoral Commission, Poster
DATE OF MEETING	15 September 2017
OUTCOME	Not Upheld

SUMMARY

The Electoral Commission poster mimicked a ballot paper and showed two options and said:

- Red Lip
- Nude Lip

You vote every day, so vote this election.
www.ivote.org.nz Brought to you by the Electoral Commission.

The Complainant said the advertisement portrayed a patronising, sexist and offensive gender stereotype by trying to compare the decision-making of which lipstick colour to wear, with which political party to vote for.

The Advertiser said the advertisement employed humour to encourage young people to vote in the upcoming election by making it appear as simple as every day activities. It said it tested the campaign with audiences and disagreed the advertisement encouraged people to vote for a particular party.

The Complaints Board said the advertisement employed light-hearted humour to illustrate the ease of the voting process and did not reach the threshold to cause serious or widespread offence to most people, including women. The Complaints Board said the advertisement encouraged people to vote in the upcoming election and there was no breach of the Code of Ethics or the Code for People in Advertising.

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, Rule 5 and Rule 11 of the Code of Ethics and Basic Principles 3, 4 and 6 of the Code for People in Advertising.

This required the Complaints Board to consider whether the advertisement was likely to cause serious or widespread offence and whether it 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 noted Basic Principle 4 of the Code for People in Advertising made provision for the use of stereotypes to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

The Complaints Board noted the provision for humour and satire under Basic Principle 6 of the Code for People in advertising as natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups 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.

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

The Complaints Board said advertisement before it fell into the category of advocacy advertising and noted the requirements of Rule 11 of the Code of Ethics. The Complaints Board noted Rule 11 allowed for expression of opinion in advocacy advertising, provided that the expression of opinion is robust and clearly distinguishable from fact. Also applicable were the Advocacy Principles, developed by the Complaints Board in previous Decisions for the application of Rule 11. These said:

1. That Section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in Section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the right granted by Section 14 to ensure there is fair play between all parties on controversial issues. Therefore in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Complaints Board ruled the complaint was Not Upheld.

Complaint from M Collins

The Complainant was offended by the advertisement saying “this advert is both sexist and patronising to women. It was seen in a women's bathroom and clearly targeted at women.” The Complainant said the use of a “gender stereotype (women wear lipstick) to present the idea of making a decision” was sexist and comparing “the decision-making of which lipstick colour to wear, with which political party to vote for” was patronising.

Response from Advertiser, the Electoral Commission

The Advertiser, the Electoral Commission responded to the complaint, stating that the advertisement was “the final stage in the Commission’s wider public information campaign for the 2017 General Election, and is intended to disrupt inertia and drive young voters to actually vote...The Disrupt Inertia campaign focuses on the many young New Zealanders who, whilst knowing they should vote, very easily find reasons on the day not to. These low engaged voters are now being targeted through a variety of media channels with the key message being that ‘you vote every day, so vote this election’.”

The Advertiser said the advertisement was “targeted in locations and environments more likely to be visited by younger New Zealanders, and cover a wide range of situations and scenarios. In the digital and ‘wild’ products, the message is targeted to the types of activities that commonly take place in that location or scenario.”

The Advertiser said they had conducted qualitative research and tested the concepts with audiences where feedback demonstrated the content was “engaging and funny and got them thinking about voting as something that they should do.”

Addressing the specific advertisement subject to complaint, the Advertiser said “the poster is using humour to encourage people that they make routine decisions every day and that voting is no different. It is designed to demystify voting and encourage people that it’s easy to engage in the process. The Commission considers that it is an extreme interpretation to say that the advertisement suggests voting is an easy decision with minor consequences, or that choosing lipstick colour is a significant and complex decision for women...The advertisement does not involve the use of stereotypes and does not employ sexual appeal which is exploitative or degrading. It portrays a light-hearted decision in order to prompt people to be prepared to get out and vote.”

Response from Agency, Saatchi and Saatchi

The Agency, Saatchi and Saatchi responded to the concerns raised by the Complainant, stating, the “premise of the campaign is to highlight moments in everyday life where decisions (or votes) are made and by showing that people vote every day, remove the belief (and fear) that the act of voting at the Election could be only made by fully informed, politically engaged people.”

The Agency said the “campaign is firmly targeted at a youth audience, a segment of the population which has had low voter turnout in recent elections. Research told us that, to the youth of New Zealand, voting can seem impenetrable - it can feel as if they need a considered and informed opinion in order to be able to vote. With this particular element of the campaign we wanted to bring the vote back to the younger voter and demonstrate that it’s not a test and you don’t need to be an expert in order to cast your vote – if you think about it you actually vote in some way every day... In short, this image represents a very small part of a campaign targeting a niche audience with relevant contextual messaging, and had no intention of being sexist or patronising in nature.”

The Agency said “several possible creative directions were explored and researched with our target audience using a reputable, external research company. Disrupt Inertia was the campaign which resonated most strongly with our audience and therefore selected as the chosen route.”

The Agency also addressed the Complainant's specific concerns the advertisement suggested that the lipstick colour mentioned in the poster encouraged people to vote for a particular political party, stating, in part: “This is absolutely not the case. It is a mandate for every piece of Electoral Commission communication that political neutrality is key. The colour choices featuring in the image are simply designed to reflect a decision made by many people on a daily basis. Red happens to be a common lipstick colour.”

Complaints Board Discussion

The Complaints Board said the advertisement was from the Electoral Commission, an expert body charged with the function of informing and encouraging people to vote in the upcoming Election. It said the advertisement included the message “You vote everyday, so vote this election”, included the web address www.ivotte.org.nz and said “Brought to you by the Electoral Commission”. Taking into account the information in the advertisement and the statutory nature of the Advertiser, the Complaints Board said the item before it was an advocacy advertisement and had met the identification requirement of advocacy advertising under Rule 11 of the Code of Ethics.

The Complaints Board then considered whether the advertisement used gender stereotypes in a way that was likely to cause serious or widespread offence to women.

The Complaints Board said the likely consumer take out of the advertisement was that voting in the Election is as easy as other daily tasks, such as choosing which lipstick to wear. It noted there were a wide range of advertisements which followed a similar theme of trying to encourage voting in the general election.

The Complaints Board said the advertisement employed light-hearted humour to illustrate the ease of the voting process and noted the Advertiser and Agency had conducted audience testing to determine the potential efficacy of the advertisements. The Complaints Board noted that humour was a natural and accepted part of society and the provision for it under Basic Principle 6 of the Code for People in Advertising.

The Complaints Board acknowledged the reference to choosing what lipstick to wear was a female stereotype which offended the Complainant, however, it noted the provision for using stereotypes to simplify communication, so long as that depiction was unlikely to cause offence. It said the advertisement did not reach the threshold to be considered to cause serious or widespread offence to most people, or women specifically as the use of humour and the intention of the advertisement, to encourage people to vote in the upcoming election, mitigated any potential for serious or widespread offence.

The Complaints Board said, taking into account generally prevailing community standards and the light-hearted nature of the advertisement, it had been prepared with a due sense of social responsibility to consumers and society required by Basic Principle 4 of the Code of Ethics.

The Complaints Board disagreed with the Complainant's assertion the reference to ‘red lip’ in the advertisement was encouraging people to vote for the Labour Party and said the advertisement was clearly referencing red as a common lipstick colour.

As such, the Complaints Board said the advertisement was not in breach of Basic Principle 4,

Rule 5 and Rule 11 of the Code of Ethics and Basic Principles 3, 4 and 6 of the Code for People in Advertising.

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

DESCRIPTION OF ADVERTISEMENT

The Electoral Commission poster mimicked a ballot paper and showed two options:

- Red Lip
- Nude Lip

You vote every day, so vote this election.

www.ivote.org.nz

Brought to you by the Electoral Commission.”

COMPLAINT FROM M COLLINS

Women's bathroom, Hotel Bristol, Cuba Street, Wellington. And Whitireia Theatre, Wellington - Poster

This advert is both sexist and patronising to women. It was seen in a women's bathroom and clearly targeted at women. The one in the men's bathroom is different and doesn't play on gender stereotypes. I've shared this on my social media channels and had much support in the way of equally angry and offended people who cannot quite believe this ad was approved as being at all appropriate.

Sexist: the advert uses a gender stereotype (women wear lipstick) to present the idea of making a decision.

Patronising: the advert is trying to compare the decision-making of which lipstick colour to wear, with which political party to vote for. Either they're saying that this is an easy decision with minor consequences, or they're implying that choosing lipstick colour is a significant and complex decision for women. Either of the two ways you can interpret this are utterly patronising. I feel completely offended as a woman to be presented with this. I'd like the electoral commission to be held accountable for this, and for these ads (which only go to further enforce gender stereotypes) to be removed asap.

CODE OF ETHICS

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

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 11: Advocacy Advertising - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

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

Basic Principle 4: Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule

Basic Principle 6: Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups 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.

RESPONSE FROM ADVERTISER, ELECTORAL COMMISSION

This is the Electoral Commission's response to Complaint 17/319, brought to the Commission on Monday 12 September 2017.

The image in the complaint comes from the Commission's campaign 'You vote every day, so vote this election.' It is the final stage in the Commission's wider public information campaign for the 2017 General Election, and is intended to disrupt inertia and drive young voters to actually vote.

The Disrupt Inertia campaign focuses on the many young New Zealanders who, whilst knowing they should vote, very easily find reasons on the day not to. These low engaged voters are now being targeted through a variety of media channels with the key message being that 'you vote every day, so vote this election'.

This sentiment is carried across a selection of media channels, including multiple digital platforms, radio, posters, adshels and 'wild' products like coasters and stickers. These touchpoints ensure that even the most passively engaged voter is disrupted with the messaging, appearing in places they least expect such as on a coaster in a bar, or above the sink in a public bathroom.

These are targeted in locations and environments more likely to be visited by younger New Zealanders, and cover a wide range of situations and scenarios. In the digital and 'wild' products, the message is targeted to the types of activities that commonly take place in that location or scenario.

This approach was developed based on qualitative research into the barriers and drivers of young non-voters, and was tested with audiences before final development and production. Audience feedback was that the content was engaging and funny and got them thinking about voting as something that they should do.

While not every scenario will resonate with every young person, the range is intended to provide humorous moments of recognition at the wide range of decisions, big and small, that people make every day.

A wide range of executions includes:

TVC length stories running ondemand and digitally

<https://www.youtube.com/watch?v=pyjQikwFcE4>

<https://www.youtube.com/watch?v=v-iLt3OrPu0>

Six-second bumpers running on Youtube and other video formats

https://www.youtube.com/watch?v=yFArl_t3_Ug

<https://www.youtube.com/watch?v=8ZZVHSa2Asc>

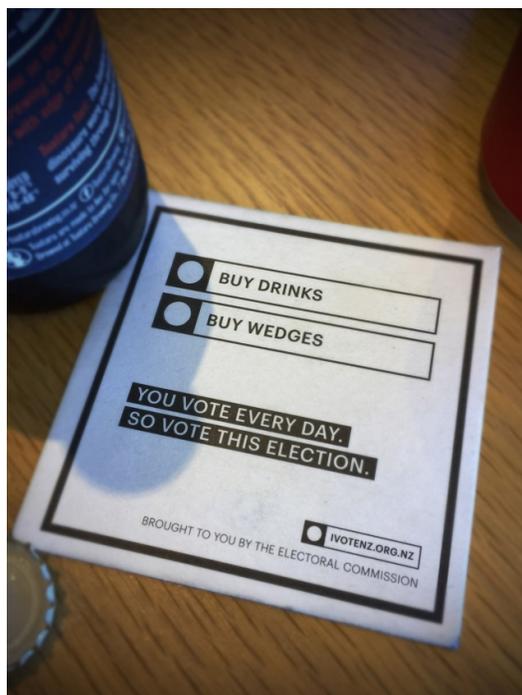
<https://www.youtube.com/watch?v=d6Qic33uLMI>

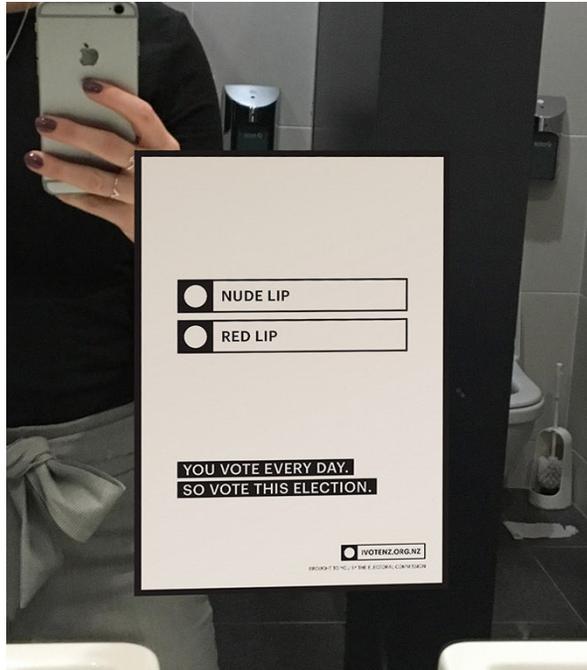
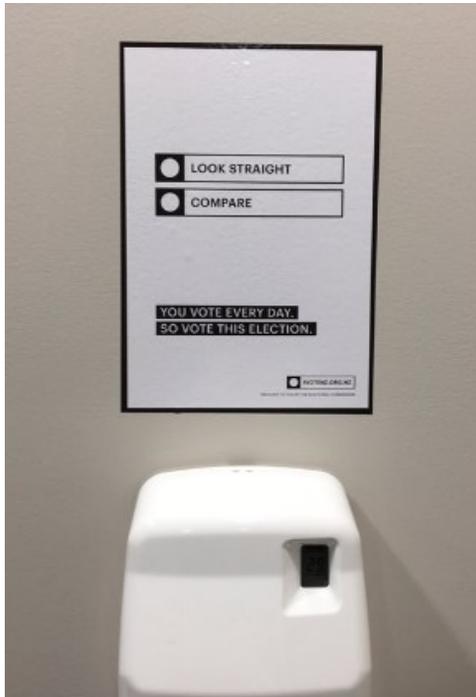
<https://www.youtube.com/watch?v=3AxhJjdJJzc>

<https://www.youtube.com/watch?v=9PRWBGdNr58>

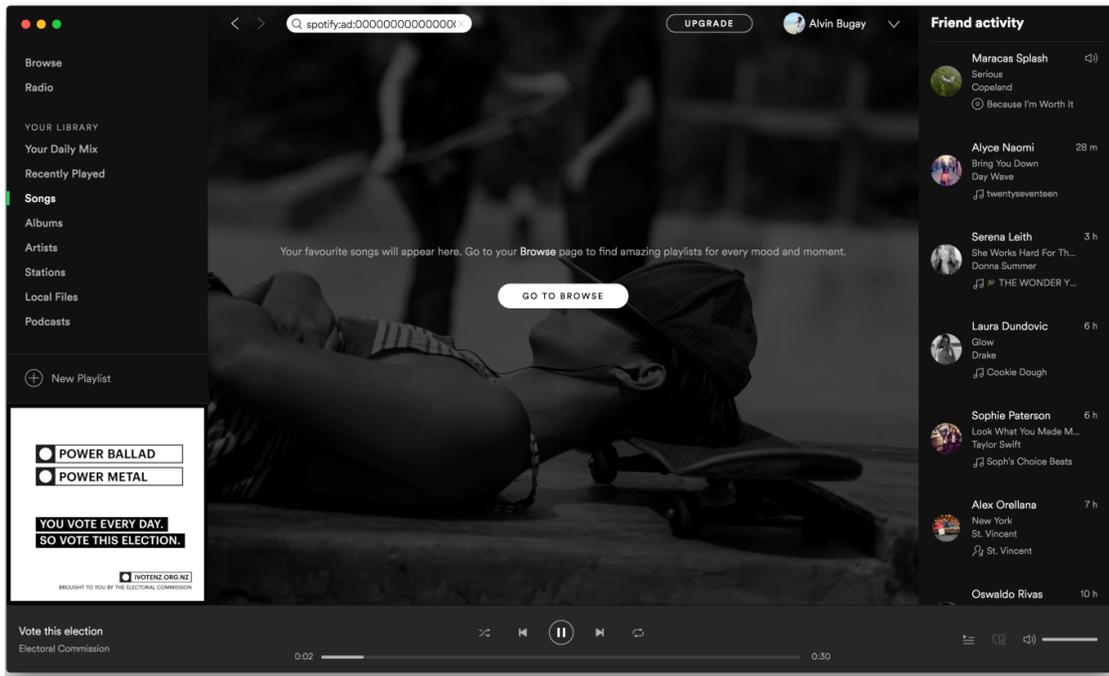
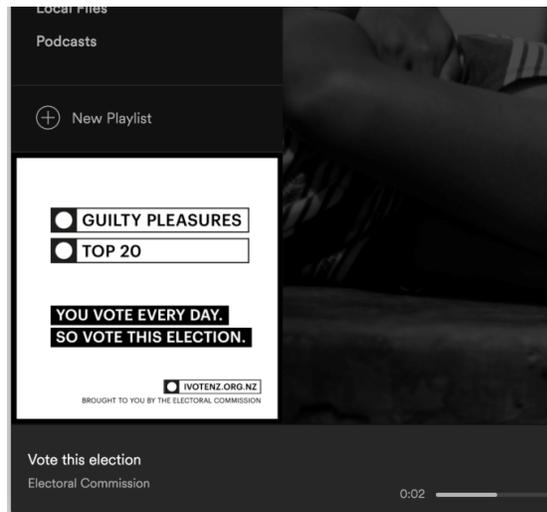
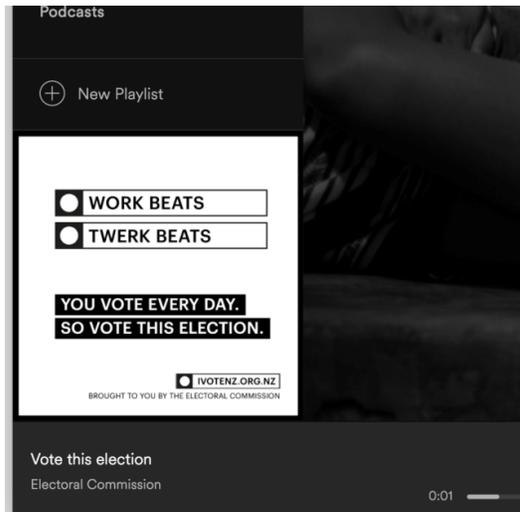
<https://www.youtube.com/watch?v=8aHCQxvx60o>

Bathroom stickers and bar coasters in student and younger-skewed bars:





Subject-relevant ads on music streaming sites like Spotify:



Street posters and Adshels

CHECK BALANCE
 PRAY

FACEBOOK
 INSTAGRAM

CALL UBER
 CALL EX

**YOU VOTE
EVERY DAY.
SO VOTE THIS
ELECTION.**

IVOTENZ.ORG.NZ
BROUGHT TO YOU BY THE ELECTORAL COMMISSION

SHAVE LEGS
 WEAR JEANS

TELL LANDLORD
 USE POSTER

WASH ALL
 WASH MINE

**YOU VOTE
EVERY DAY.
SO VOTE THIS
ELECTION.**

IVOTENZ.ORG.NZ
BROUGHT TO YOU BY THE ELECTORAL COMMISSION

Snapchat filters



BROUGHT TO YOU BY THE ELECTORAL COMMISSION.



BROUGHT TO YOU BY THE ELECTORAL COMMISSION.



BROUGHT TO YOU BY THE ELECTORAL COMMISSION.

ASA codes

Code of Ethics, basic principle 4, rule 5, rule 11

The Electoral Commission prepared the campaign with a due sense of social responsibility. The Commission's role under the Electoral Act is to administer the electoral system, impartially, efficiently, effectively, and in a way that facilitates participation in parliamentary democracy, promotes understanding of the electoral system and associated matters, and maintains confidence in the administration of the electoral system. We used a reputable advertising agency. We undertook pre-campaign testing.

Although the complainant has taken offence to the poster, the Commission does not accept that the advertisements contains anything which in the light of generally prevailing community standards would be serious enough to reach the threshold of being likely to cause serious or widespread offence taking into account the context and audience. The poster is using humour to encourage people that they make routine decisions every day and that voting is no different. It is designed to demystify voting and encourage people that it's easy to engage in the process. The Commission considers that it is an extreme interpretation to say that the advertisement suggests voting is an easy decision with minor consequences, or that choosing lipstick colour is a significant and complex decision for women.

Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

The Commission considers this to be an advocacy advertisement. The humorous content in no way provides opinion indistinguishable from fact. The Commission's identity through the ivote.org.nz branding is very clear.

Code for People in Advertising, basic principle 3, basic principle 4, basic principle 6

For the reasons outlined above, the Commission accepts that the complainant has taken offence to the poster but does not accept that the poster is reasonably likely to cause serious or widespread offence on the grounds of gender.

In the Commission's view, the advertisement does not involve the use of stereotypes and does not employ sexual appeal which is exploitative or degrading. It portrays a light-hearted decision in order to prompt people to be prepared to get out and vote.

In our view, the campaign involves the use of humour and satire taking into account generally prevailing community standards, in a way in which the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

ASA decision

The campaign started on 3 September and is planned to continue until 23 September 2017. We have considered the complaint and the codes. It is our view that the material does not breach the codes. At this stage, the Commission has not made any interim changes to the campaign, however, we would of course abide by any decision of the ASA.

RESPONSE FROM AGENCY AND MEDIA – SAATCHI & SAATCHI AND STARCOM:

Saatchi & Saatchi has been appointed by the Electoral Commission to conduct a public information campaign to encourage all eligible New Zealanders to enrol and vote in the upcoming General Election. Media activity is planned and placed by Starcom.

This is a combined response from Saatchi & Saatchi and Starcom.

This public information campaign kicked off in the last week of June 2017 and runs through to Election Day itself (23 September). The campaign is complex but can broadly be summarised into three core streams:

- eight phases of activity across multiple media channels guiding the public through the process of enrolling and voting (utilising 'Orange Guy' as the recognisable spokesperson)
- a content partnership stream of work which included a collection of publishers that resonated with specific audience groups being commissioned to develop and run creative campaigns designed to address barriers to voting
- a 'Disrupt Inertia' campaign aimed at providing a final push in the run up to the election to encourage young voters to turn latent intention into actual votes

The image which is the subject of this complaint is part of our 'Disrupt Inertia' campaign.

This campaign is firmly targeted at a youth audience, a segment of the population which has had low voter turnout in recent elections. Research told us that, to the youth of New Zealand, voting can seem impenetrable - it can feel as if they need a considered and informed opinion in order to be able to vote. With this particular element of the campaign we wanted to bring the vote back to the younger voter and demonstrate that it's not a test and you don't need to be an expert in order to cast your vote – if you think about it you actually vote in some way every day.

As the attached creative concept presentation shows, we aimed to capture our audience's attention through entertainment and humour, and where possible in a contextually appropriate environment. The premise of the campaign is to highlight moments in everyday life where decisions (or votes) are made and by showing that people vote every day, remove the belief (and fear) that the act of voting at the Election could be only made by fully informed, politically engaged people.

Several possible creative directions were explored and researched with our target audience using a reputable, external research company. Disrupt Inertia was the campaign which resonated most strongly with our audience and therefore selected as the chosen route.

The Disrupt Inertia campaign media placements were intended to be highly targeted towards youth and students, both on- and off-campus, and where everyday decision moments are more likely to occur. The intention with the messages and placements was to create contextual relevance for the decision moment in that space and time.

The targeting decisions for the campaign were based on several criteria:

- Demographic age targeting to youth 18-34 year olds – including digital video, audio streaming, social
- Location based targeting to media in and around universities – ie, university magazines, geo-targeted display messages to students in proximity to universities, student radio stations, Adshel panorama takeovers near universities.
- Highly youth centric social environments – including Tinder, Snapchat
- High indexing youth channels and media brands – including phantom street posters, specific radio station brands
- Bathroom, Changing Room and Bar media in both tertiary locations and bars and gyms frequented by students and a youth audience.

Within the Bathroom, Changing Room and Bar environments, there were eight different messages of which the image in question (Red Lip/Nude Lip) was one.

There was an even number of female bathroom and male bathroom posters produced:

- Red Lip/Nude Lip (female bathroom) – 100x decals printed and installed across 20x Universities/Tertiary institutes and 18x bars
- Look Straight/Compare (male bathroom) – 100x decals or posters printed and installed across 20x Universities/Tertiary institutes and 18x bars

The portion of net media spend which was dedicated to Bathroom, Bar and Gym changing room placements (all eight messages) equates to 3.15% of the net media spend for the Disrupt Inertia campaign.

As a proportion of the total General Election 2017 campaign media spend thus far, the net media spend across all eight messages on rotate within the Bathroom, Bar & Gym changing room environments equates to approximately 0.26%.

In short, this image represents a very small part of a campaign targeting a niche audience with relevant contextual messaging, and had no intention of being sexist or patronising in nature.

The complainant also suggests that the lipstick colour mentioned in the poster is somehow intended to encourage voting for a particular party. This is absolutely not the case. It is a mandate for every piece of Electoral Commission communication that political neutrality is key. The colour choices featuring in the image are simply designed to reflect a decision made by many people on a daily basis. Red happens to be a common lipstick colour.

Further detail on the campaign (and the stringent checks imposed on political neutrality) can be found in the following StopPress article: <http://stoppress.co.nz/features/inside-electoral-commissions-mission-find-missing-million>