

<b>COMPLAINT NUMBER</b>	17/380
<b>COMPLAINANT</b>	D Laing
<b>ADVERTISER</b>	Shosha
<b>ADVERTISEMENT</b>	Shosha, Flyer
<b>DATE OF MEETING</b>	24 October 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The direct mail flyer advertisement for Shosha showed a front cover images of the Wellington retail stores, included two 18+ notices and said, in part “we have stores across New Zealand or you can shop online...” The reverse cover included a list of their locations nationwide and said they specialise in “vaping devices, E-Cig, Cartomisers... E-Liquid, E-Liquid Vaporisers, Grinders... Scales... and much much more!” In fine print it said “Available for sale to 18+ years only.” The inside of the flyer displayed images of the range of products.

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

**Complainant, D Laing, said:** We have received this R18 ad in our mail box. We have children under 14yrs old and think it inappropriate for people to be posting R18 material to families.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 4, Rule 5.**

**The Chair** noted the Complainant’s concerns around R18 material being distributed through direct mail to households containing children.

In considering the complaint, the Chair referred to a precedent Decision, 17/349, based on the same advertisement, which was not upheld by the Complaints Board and said in part:

“...The Complaints Board considered the advertisement and noted when folded, the outside of the flyer contained no images of the products being promoted. It took into account the advertisement contained several age restriction notices and the products were legal and able to be advertised.

The Complaints Board noted a level of risk relating to the medium used to distribute the advertisement because the flyer was delivered indiscriminately to people’s letterboxes. However, it said the Advertiser had taken steps to mitigate the risk by focusing the outward facing pages of the flyer on the locations of the stores and clearly notifying the associated age restriction in purchasing the products. The Complaints Board was of the view the advertisement would not particularly appeal to children or young people and the images of the products contained inside the flyer were unlikely to encourage people and young people specifically, to take drugs or to encourage illegal behaviour.

The Complaints Board said the advertisement had been prepared with a due sense social responsibility to consumers and society required by Basic Principle 4 of the Code of Ethics...”

The Chair said the precedent decision directly related to the complaint before her and the advertisement had not breached Basic Principle 4 or Rule 4 or 5 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**