

COMPLAINT NUMBER	18/022
COMPLAINANT	D Adams and J Woodward
ADVERTISER	NZ Transport Agency
ADVERTISEMENT	NZ Transport Agency, Television
DATE OF MEETING	18 January 2018
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand Transport Agency (NZTA) television advertisement showed a Traffic Officer attending various stages of traffic accidents including the crash scene, the mortuary and breaking the news to family members. While addressing the issues of speed and drivers over familiarity of roads, the voice-over states..."Everyone thinks they drive well, but I've never seen anyone crash well...I know these roads pretty well too and I'm doing everything in my power to stop you seeing what I've seen on them."

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

Complainant, D Adams, said: The ad shows a car crash and it shows the coroner, the crash, and the wife crying for her husband. As a relative of a person who died in a car crash only 2 years ago I think it is too real and raw and is very upsetting for my family and I, and other families who have lost loved ones to a car accident. It is very inappropriate and insensitive and I will complain and complain until it is taken down.

Complainant, J Woodward, said: I believe the current advert run by the NZ police is appalling and disrespectful to [ex police], affected families and other emergency staff. The advert depicts an actor playing a police officer, he attends mortuary procedures, notifying next of kin etc....

I don't believe this should be shown this way and it is affecting me badly.
It is appalling and disrespectful to me and affected families.
I am taking advice on this as I feel it is a breach of my human rights.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 5.

The Chair noted the Complainants' concerns the advertisement was upsetting and insensitive to those who had been affected by traffic fatalities and acknowledged the personal experiences of the Complainants.

The Chair turned first to consider the advertisement under Rule 11 of the Code of Ethics. Rule 11 of the Code of Ethics provided for robust expression of belief or opinion being as expressed by the Advertiser and, therefore, such opinions may be robust. However, opinion should be clearly distinguishable from factual information.

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 Chair confirmed the advertisement for the New Zealand Transport Agency was an advocacy advertisement intended to raise awareness about the causes of traffic accidents.. The Chair noted that the Agency had used confronting advertisements over the years to highlight to the public the risks associated with irresponsible driving.

The Chair found that the identity of the advertiser was made clear at the end of the advertisement with logos appearing on screen.

While acknowledging the distress the advertisement had caused the Complainants, the Chair said the hard-hitting images were intrinsic to the advertisement's credibility. The Chair acknowledged the importance of the advertisement having realistic imagery if the safety message was to be an effective one.

Therefore, taking in to account generally prevailing community standards and the importance of the road safety messaging, the Chair said the advertisement did not reach the threshold to cause serious or widespread offence. The Chair said the advertisement was not in breach of Rule 5 or 11 of the Code of Ethics and had been prepared with a due sense of social responsibility required of it under Basic Principle 4 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**