

COMPLAINT NUMBER	18/035
COMPLAINANT	K. Prince
ADVERTISER	BMW NZ
ADVERTISEMENT	Television
DATE OF MEETING	29 January 2018
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for BMW showed a vehicle travelling on remote roads, interspersed with shots of people participating in extreme sports. The vehicle is then shown driving on traditional roads in the right-hand lane. The on-screen disclaimer said, in part: “Filmed overseas under controlled conditions”.

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

Complainant, K. Prince, said: Ad shows a car travelling on right hand side of road - will communicate incorrect road positioning especially to overseas tourists who have already caused death in nz by travel on the right instead of the left.

The relevant provisions were Code for Advertising Vehicles - Guideline 1 (a), Principle 1;

The Chair noted the Complaint’s concern about the advertisement showing the vehicle being driven on the right side of the road. The Complainant said this could lead visitors to think it was normal to drive on the right-hand side of the road in New Zealand and this could directly lead to more accidents and fatalities.

She then referred to previous decisions made about the same issue including a previous Chair’s Ruling (11/073) which stated, in part:

“... the Chairman noted that there was in fact a disclaimer by way of the on-screen text which read “Filmed overseas”. Therefore, the Chairman said it was clear that the advertisement for a European car had not been filmed in New Zealand and in a country where the legal requirement was to drive on the right-hand side of the road. Accordingly, the Chairman was of the view that the advertisement did not contain any visual presentation which would encourage a disregard for safety.”

Complaints about the same issue were most recently dealt with in Chair’s Ruling 15/078. That decision stated, in part:

“the accompanying graphic which said “overseas model and footage shown” and made it clear to the viewer that the advertisement was for an “overseas model.” The Chairman was of the view and common sense would indicate that it had been filmed overseas, not on New Zealand roads which many of the Complainants indicated they were aware of.”

The Chair said that the above precedents were directly applicable to the complaint before her. She noted the advertisement contained the requisite onscreen graphic required to inform viewers the advertisement was filmed overseas.

Therefore, while she acknowledged the sincere concerns of the Complainant, the Chair said there was no apparent breach of the Code of Ethics or the Code for Advertising Vehicles.

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

Chair's Ruling: Complaint **No Grounds to Proceed**