

COMPLAINT NUMBER	18/040
COMPLAINANT	J Ramsay & H Barbour
ADVERTISER	Lands & Survey Ltd
ADVERTISEMENT	Lands & Survey, Print
DATE OF MEETING	27 February 2018
OUTCOME	Settled - Advertisement Removed

SUMMARY

The Lands and Survey Ltd advertisement appeared in the 2018 Great Kiwi Beer Festival event guide. The advertisement promoted Lands and Survey Ltd and was headlined “Experts at Redefining Boundaries”. The advertisement included a cartoon image of a woman slapping a man.

The Complainants said it was irresponsible to include an image showing violence in an advertisement in an event guide for a beer festival.

The Advertiser said it did not authorise the use of the advertisement in the 2018 guide. The advertisement had been published in the 2017 guide and the event organisers confirmed it had placed the advertisement in the 2018 guide without the knowledge of the Advertiser.

The Advertiser said “the image formed part of a large banner from some years ago. These banners were disposed of 12 months ago, for the reason that parts of the banner may be offensive to some people, and they did not reflect the position of Lands and Survey Ltd.”

The Advertiser apologised for any offence caused and the Advertiser and the publisher of the guide confirmed the advertisement would not be used again.

In light of the self-regulatory undertaking from the Advertiser and the event organiser, the Complaints Board said the matter was settled.

Accordingly, the Complaints Board ruled to Settle the complaints.

[Advertisement removed]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

Preliminary matter

The Chair noted that the Complaints Board had been asked to consider the advertisement with reference the Code for Advertising and Promotion of Alcohol and the Code of Ethics.

The Chair noted the definition of an alcohol advertisement in the Code states:

“Alcohol advertising and promotion” means an advertisement, packaging, point of sale or other promotions, activities and materials (including dispenser units) generated by an alcohol producer, distributor or retailer that promotes alcohol by product, brand or outlet. This includes media releases, branded merchandise, competitions, word of mouth marketing, adver gaming, product displays and sampling, but does not include a sponsorship advertisement or an advertisement in which reference to or the depiction of alcohol or alcohol packaging or an alcohol outlet is incidental to its purpose. An advertisement including a reference to licensed premises is not automatically an alcohol advertisement - the intent of the advertisement must be to promote the consumption of alcohol.”

The Complaints Board agreed that although the advertisement for Land and Survey Ltd had been published in the Great Kiwi Beer Festival Guide, it was not an advertisement by an alcohol producer, distributor or retailer. Therefore, the Code for Advertising and Promotion of Alcohol did not apply to the advertisement before it.

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 7 of the Code of Ethics. Basic Principle 4 requires that advertising be prepared with a due sense of social responsibility to consumers and society and Rule 7 requires that advertisements should not contain anything which lends support to unacceptable violent behaviour.

The Complaints Board ruled the complaints were Settled.

The Complaints

Two Complainants, J. Ramsay and H. Barbour, believed the Lands and Survey Ltd advertisement depicted a scene of domestic violence. H. Barbour said “Domestic violence is not something to be joked about, especially in NZ, it wrecks lives and costs the tax payer so much every year to combat, repair and salvage the damaged caused by alcohol related harm. I am shocked that the company deemed this acceptable and appropriate - the slogan is despicable.”

The Advertiser’s Response

The Advertiser said “the image formed part of a large banner from some years ago. These banners were disposed of 12 months ago, for the reason that parts of the banner may be offensive to some people, and that they did not reflect the position of Lands and Survey Ltd.

We were unaware that part of that banner was being used in the advertising, and only found out on the day of the event. However, that does not excuse our not knowing, as we should have taken action to check what advertising was being used.

We at Lands and Survey Ltd do not condone in any way domestic violence, and we apologise to those who have been offended.”

The Media’s Response

The event guide was published by Team Event Limited. The company confirmed it used the Lands and Survey Ltd 2017 advertisement to fill space in the 2018 guide without consulting the Advertiser. The company confirmed it was a one-off publication for that event and it would not publish the advertisement again.

The Complaints Board Discussion

The Complaints Board noted the advertisement had been placed in the 2018 Great Kiwi Beer Festival event guide by the event organiser, without the knowledge of the Advertiser. The Complaints Board noted the advertisement was for a company that provides services relating to surveying, resource management planning and civil engineering solutions. Turning to the content of the advertisement, the Complaints Board said the cartoon image showed a woman slapping a man with some force and considered the headline in the advertisement which said "Experts at Redefining Boundaries".

The Complaints Board agreed that the combination of the wording and the image had reached the threshold to breach Rule 7 of the Code of Ethics and the advertisement had not been prepared and placed with a due sense of social responsibility to consumers and society.

The Complaints Board then took into account the co-operative engagement from the Advertiser and the event organiser, who both confirmed the advertisement would not be used again.

In light of the self-regulatory undertaking from the Advertiser and the event organiser, the Complaints Board said the matter was settled.

Accordingly, the Complaints Board ruled to Settle the complaints.

DESCRIPTION OF ADVERTISEMENT

The Event Guide for the Christchurch Beer Festival included information about the event programme and advertising. An advertisement for Lands and Survey Ltd showed a cartoon image of a woman slapping a man with some force and the words "Experts at Redefining Boundaries". The advertisement also contained contact information for the Advertiser.

COMPLAINT FROM J RAMSAY

I would like to make a complaint about an advert:

Advertised in the Event Guide for the Christchurch Beer Festival (event date was 27/1/18)

I believe it depicts domestic violence. It is advertised in a guide for an alcohol related event.

Advert attached

I am making this complaint in my role as a licensing inspector in relation to the impact this advert may have on alcohol related harm, not on behalf of the council.

COMPLAINT FROM H BARBOUR

This was one of two horrendous adverts on the same page in a brochure at an event focused on alcohol. Domestic violence is not something to be joked about, especially in NZ, it wrecks lives and costs the tax payer so much every year to combat, repair and salvage the damaged caused by alcohol related harm. I am shocked that the company deemed this acceptable and appropriate - the slogan is despicable. Who in their right mind would have given this the go ahead without considering the messaging behind it??

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

Principle 1: Alcohol advertising and promotions shall observe a high standard of social responsibility.

Guideline 1 (a): Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.

CODE OF ETHICS

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

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

RESPONSE FROM ADVERTISER – LANDS & SURVEY

To provide some history, the image formed part of a large banner from some years ago. These banners were disposed of 12 months ago, for the reason that parts of the banner may be offensive to some people, and that they did not reflect the position of Lands and Survey Ltd.

We were unaware that part of that banner was being used in the advertising, and only found out on the day of the event. However, that does not excuse our not knowing, as we should have taken action to check what advertising was being used.

We at Lands and Survey Ltd do not condone in any way domestic violence, and we apologise to those who have been offended.

We will request that going forward, we be advised of any advertising being used that promotes our firm.

RESPONSE FROM MEDIA – TEAM EVENT

Team Event Limited (the **Company**) is a New Zealand events company. The Company operates a number of events throughout the year. One such event is the “Great Kiwi Beer Festival” held in January this year (the **Event**).

The Company does not produce and/or distribute its own beer at the Event, but rather, invites craft beer producers from around the country as well as larger national and multinational beer providers, to operate stalls, run showcases and create other beer based attractions for the attendees of the Event.

Naturally, the event attracts those working in the liquor industry who may be looking to market their products and services to beer producers and consumers. BEERNZ is one such independent third party who has recognised that the Event provides an opportunity to reach a targeted demographic.

In 2017 the Company was approached by BEERNZ regarding advertising in the Event’s event guide. Advertising space was offered and the advertisement featured in the event guide in 2017. In 2018 the Company ran the advertisement without the knowledge of BEERNZ, as there was distressed inventory available immediately prior to going to print.

In addition to companies looking to market liquor related products and services to our customers, other companies have noticed that the Event provides a useful advertising opportunity. Lands & Survey are one such company, that, much like BEERNZ, wanted to reach the public and asked the Company to run an advertisement in the Event's event guide. Again, this advertisement featured in the 2017 event guide, and was featured in the 2018 guide.

Whilst the Company does not have any input into the creation of advertisements by independent third parties wishing to advertise, nor does the Company accept liability for the advertisements that Lands & Survey decided to run, the Company does acknowledge that to some members of the public this type of humour may be ill-considered. Furthermore, the Company takes the complaints made by J Ramsay, and H Barbour very seriously and acknowledges that the Company should have more rigorously reviewed the advertisements that were run in the event guides.

The Company believes strongly in sending the right message to its consumers and will therefore not be allowing these advertisements to ever run again. Please note the event guide is a one-off publication and there will be no further publication of that year's guide ever again.

The Company will also be speaking with Lands & Survey and advising them that should they wish to advertise in the event guide in 2019, they must give proper consideration to the Advertising Code of Ethics.

With respect to Lands & Survey we will be ensuring they review Basic Principle 4, Rule 7; Code for Advertising and Promotion of Alcohol - Guideline 1 (a), Principle 1.

We hope that the proposed action is sufficient to ensure that this matter can be settled. If ASA would like to speak directly with the companies that created the advertisements, we would be happy to put the ASA in touch with them.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.