

COMPLAINT NUMBER	18/074
COMPLAINANT	R. Klyen
ADVERTISER	Gun City Ltd
ADVERTISEMENT	Gun City, Newspaper
DATE OF MEETING	24 April 2018
OUTCOME	Not Upheld

SUMMARY

The Gun City newspaper advertisement was headed with the Gun City logo and included the headline “Get the kids outside! Awesome gift ideas for Christmas.” The bottom of the advertisement showed an adult with three children with an air rifle placed in front of them participating in shooting. Next to the image, a small section was headed “Backyard Target Shooting”.

The Complainant was concerned the advertisement for Gun City promoted the AR-15 semi-automatic assault rifle, along with other military grade weapons in an advertisement that promoted gifts for children. The Complainant was also concerned it was insensitive to promote firearms after a recent mass shooting in the United States of America.

The Advertiser said the advertisement was not aimed at children and depicted a legal activity and “encourages parents to get involved in outside activities, in this case air rifle target shooting.”

The Complaints Board said the Advertiser was entitled to promote its products to legal purchasers provided that it was done in a socially responsible manner and noted the offence the advertisement had caused the Complainant in relation to the promotion of similar military semi-automatic weapons after a mass shooting in the United States. However, that, in itself did not reach the threshold to breach Rules 4 or 7 of the Code of Ethics.

The Complaints Board noted the advertisement was targeting adults and parents in a metropolitan daily newspaper and noted the three children shown in the advertisement were clearly supervised by an adult male. It also took into account the information at the bottom of the advertisement related to air rifles and promoted their safe use. The Complaints Board said the advertisement did not reach the threshold to lend support to unacceptable violent behaviour nor did it clearly offend against generally prevailing community standards. The Complaints Board said the advertisement was not in breach of Rules 4 and 7 of the Code of Ethics.

The majority said the advertisement had been prepared with a due sense of social responsibility and was not in breach of Basic Principle 4 of the Code of Ethics.

A minority disagreed and said it was distasteful to promote firearms as “awesome gift ideas” and as a fun family activity in the same advertisement that promoted military style semi-automatic rifles. The minority said the advertisement had therefore not been prepared with a

due sense of social responsibility to consumers and society and was in breach of Basic Principle 4 of the Code of Ethics.

In accordance with the majority, 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 and Rules 4 and 7 of the Code of Ethics.

Rules 4 and 7 required the Complaints Board to consider whether, taking into account the context, medium, audience and product, the advertisement contained anything which clearly offends against generally prevailing community standards and whether it contained anything which lends support to unacceptable violent behaviour.

Basic Principle 4 required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement for Gun City promoted the AR-15 semi-automatic assault rifle, along with other military grade weapons.

The Complainant said the “AR-15 is the same assault rifle used in the recent Las Vegas & Florida shootings in the USA” and said it was “a bit insensitive and sick” to promote the sale of the weapon.

The Complainant was also concerned the tagline of the advertisement said: “Get the kids outside!” and was of the view that “using kids health to help advertise military guns is out of order and wrong.” The Complainant said the advertisement was “selling military grade weapons alongside ‘toy’ weapons that would be used by children” and “these military grade weapons are not designed for shooting pigs, stags or rabbits. Its original design purpose is for killing humans in combat. There is no sane reason for these to be sold to the public in NZ or to be advertised openly in our local newspaper.”

Response from Advertiser, Gun City

The Advertiser responded to the complaint. It addressed the type of weapons advertised stating that “the rifles used in the USA crimes are not legal for sale to A-category licence holders in NZ and are not ‘the same’ as advertised” and “none of the guns advertised were ‘military’” weapons. The Advertiser explained that “all guns used by hunters are a development of guns used by armies, mostly descended from a 1906 design. The AR-15 rifle was designed in 1956.” The Advertiser said, in part: “there are ‘sane’ and legal reasons for the sale of these guns to the strictly licenced and controlled NZ purchaser.”

The Advertiser was of the view that labelling a person carrying out a legal activity as “sick” was “a cruel criticism” and said the ASA “has repeatedly found that it is not a breach to advertise these legal products” and “one could not assume that legal purchasers would be likely to misuse the products advertised”.

The Advertiser also addressed the Complainant's concerns about the reference to children in the advertisement stating that "newspaper ads are not aimed at children" and the advertisement depicted a legal activity. Further, the Advertiser said the advertisement "encourages parents to get involved in outside activities, in this case air rifle target shooting."

Response from Media, Fairfax Media

Fairfax Media responded on behalf of the Dominion Post stating, in part: "We appreciate that gun advertising is an emotive subject, but we believe that this business complies with all rules and regulations for gun advertising within NZ. We welcome any recommendation the ASA have in regards to this advertising or type of campaign in the future."

Further information was provided regarding the readership of the Dominion Post, which showed that the readership for all people 18 and over is 176,000 and 97.7% of all readers on Saturday are 18 or over.

Complaints Board Discussion

The Complaints Board noted the matters for discussion were whether it was appropriate to advertise military style semi-automatic weapons after the same, or similar, type of rifles were used in mass shootings and whether it was appropriate to include that style of rifle in an advertisement which promotes Christmas gifts for children.

The Complaints Board first addressed the Complainant's concerns it was not appropriate to advertise military style semi-automatic weapons after the same, or similar, type of rifles were used in mass shootings. The Complaints Board noted a precedent regarding advertisements which inadvertently advertised products or services themselves, or in a manner, which reflected real life events. Chairman's Ruling (13/456) refers to a vehicle advertisement that showed a large rock fall where the driver maneuvered the car to narrowly miss the debris soon after a Canadian couple had been killed by a landslide. That Ruling stated, in part:

"The Chairman noted the Complainant's concern that it was inappropriate to show a car dealing with a rock slide after a real incident that had recently occurred where a Canadian couple had died because of a rock fall.

She then referred to a number of previous Chairman's Rulings (10/544; 11/722) from people in Christchurch who had made similar complaints about advertisements after the Christchurch earthquakes. Those Rulings acknowledged the trauma that many people in Christchurch experienced and the distress certain scenes in the advertisements had caused them. However, they had been ruled No Grounds to Proceed as any unintended similarity in an advertisement to a real life event while unfortunate, did not reach the threshold to cause widespread offence or breach the Advertising Codes.

Turning to the complaints about the advertisement before her, the Chairman said the timing of the advertisement was similarly unfortunate. However, she said that there was no way for the Advertiser to know such an event would happen and was a coincidence which was unfortunately unavoidable. The Chairman was also of the view that the majority of viewers would not have made the association."

Decision 16/328; a Gun City newspaper advertisement noted that firearms were a legal product and it was not a breach of the Advertising Codes to advertise such products in a socially responsible manner. In that Decision the Complaints Board noted "there were strict restrictions around the purchase of most of the products, in some cases a gun licence was required and in others proof of identity and confirmation that the purchaser was aged 18 or

over. Furthermore, one could not assume that legal purchasers would be likely to misuse the products advertised.”

The Complaints Board said the above precedents were applicable to the complaint before it and noted the Advertiser was entitled to promote its products to legal purchasers (people over 18 and, where required, in possession of a firearms licence) provided that it was done in a socially responsible manner.

Therefore, while the Complaints Board noted the offence the advertisement had caused the Complainant in relation to the promotion of similar military semi-automatic weapons after a mass shooting in the United States, that, in itself did not reach the threshold to breach Rules 4 or 7 of the Code of Ethics.

The Complaints Board ruled this aspect of the complaint was Not Upheld.

The Complaints Board then considered whether it was socially responsible to include military semi-automatic weapons in an advertisement that focused on guns as Christmas presents for children.

The Complaints Board considered the likely consumer takeout of the advertisement. It noted the newspaper advertisement was headed with the Gun City logo and included the headline “Get the kids outside! Awesome gift ideas for Christmas.” The advertisement then went on to promote various firearms, including air rifles and air rifle targets, as well as a section that showed military style semi-automatic weapons, such as the AR15 and the TIKKA 33x. The bottom of the advertisement showed an adult with three children with a rifle placed in front them participating in shooting. Next to the image, a small section was headed “Backyard Target Shooting” which included information on “Where can I shoot?” / “How old do I need to be?” / “How loud is it?” and “Is it safe?”.

The Complaints Board said most consumers would assume the reference to “Get the kids outside! Awesome gift ideas for Christmas” referred to buying firearms for children as presents without any obvious differentiation between air rifles and semi-automatic weapons.

The Complaints Board took into account the demographics of the newspaper readership and accepted the audience were predominately adults and the advertisement was directed at adults and parents, not children.

The Complaints Board noted the previous findings of the Chair and Complaints Board, including precedent decisions (08/697; 16/410 and; 17/445) where it was accepted that firearms were a legal product and able to be advertised. The Complaints Board noted the advertisement was targeting adults and parents and the three children shown in the advertisement were clearly supervised by an adult. The Complaints Board noted the inclusion of information at the bottom of the advertisement related to air rifles and promoted their safe use.

Taking the above into account, the Complaints Board said the did not reach the threshold to be considered to contain anything which lent support to unacceptable violent behaviour nor did it clearly offend against generally prevailing community standards. The Complaints Board the advertisement was not in breach of Rules 4 and 7 of the Code of Ethics

The majority said, for same reasons, that the advertisement was prepared with a due sense of social responsibility to consumers and society and was not in beach of Basic Principle 4 of the Code of Ethics and the complaint was Not Upheld.

A minority of the Complaints Board disagreed. It said, taking into account generally prevailing community standards, it was distasteful to promote firearms as “awesome gift ideas” and as a fun family activity in the same advertisement which also promoted military style semi-automatic rifles due to the harm such weapons could cause. The minority said the advertisement had therefore not been prepared with a due sense of social responsibility to consumers and was in breach of Basic Principle 4 of the Code of Ethics.

However, in accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The Gun City newspaper advertisement was headed with the Gun City logo and included the headline “Get the kids outside! Awesome gift ideas for Christmas.” The advertisement then went on to promote various firearms, including air rifles and air rifle targets, as well as a section that showed military style semi-automatic weapons, such as the AR15 and the TIKKA 33x. The bottom of the advertisement showed an adult with three children with a rifle placed in front them participating in shooting. Next to the image, a small section was headed “Backyard Target Shooting” which included information on “Where can I shoot?” / “How old do I need to be?” / “How loud is it?” and “Is it safe?”.

COMPLAINT FROM R. KLEYN

Attached is a Gun City advertisement in The Dominion Post newspaper on 3rd December 2017 advertising the AR-15 semi-automatic assault rifle, along with other military grade weapons. The AR-15 is the same assault rifle used in the recent Las Vegas & Florida shootings in the USA.

This ad appeared in The Dominion Post after the Las Vegas shooting on 1st Oct 2017. Is this not a bit insensitive & sick? Aside from this fact, the tagline or pay-off-line for the advertisement reads: "Get the kids outside!" Using kids health to help advertise military guns is out of order and wrong.

These military grade weapons are not designed for shooting pigs, stags or rabbits. Its original design purpose is for killing humans in combat. There is no sane reason for these to be sold to the public in NZ or to be advertised openly in our local newspaper.

It needs to stop. We cant keep assuming a mass shooting will not happen in NZ. The previous two shootings in the US were by legal gun owners.

This advertisement should not have been approved. The Dominion Post/ Fairfax Media needs to stop assisting in the sale of guns /weapons by placing these Gun City advertisements. This is just plain wrong. The sale of semi-automatic weapons in NZ is controversial and something that The Dominion Post should be reporting on, not assisting in the sale thereof.

To draw a parallel - Cigarette advertising has been banned from print media since 1990, because of the ill effects of cigarettes, that can lead to death. Why is it that in 2018 you are approving advertisements for guns?

I'm sure there are many more Gun City advertisements in print media that I don't see, this is just one example that I happened to come across.

As a concerned parent of an 8-year-old daughter, I urge you to please stop the advertising of guns in the media. This is plain wrong.

...

The attached decisions you have supplied do not refer to the advertising of military grade semi-automatic weapons.

The decisions you supplied are not relevant to the current day 2018 and the two recent mass-shooting in the USA where the shooter used the same weapon that is advertised in the Gun City advertisement I referenced.

The advertisements I complained about are also selling military grade weapons alongside 'toy' weapons that would be used by children.

I would like a response directly related to my complaint please, not given the responses of other individuals.

CODES OF PRACTICE

ADVERTISING CODE OF ETHICS

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

Rule 4 Decency - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

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

RESPONSE FROM ADVERTISER, GUN CITY

Firstly I refer to the errors in the complaint;

1. "Assault rifle" is an emotive term which has no definition.
2. The rifles used in the USA crimes are not legal for sale to A-category licence holders in NZ and are not "the same" as advertised.
3. To label a person carrying out a legal activity as "sick" is a cruel criticism. The father of the children depicted in the advertisement is the father of those children. His wife of 14 years is expecting their 5th child. This father of 4 ½ children designed the advertising campaign as he has many others including the promotion of public health encouraging billboards titled "Be Great NZ". https://www.facebook.com/Be-Great-NZ-824470171057135/?hc_ref=ARRAY5jazgsILTnbfByZziWTZRxJplnph0JPfsyfeAfTqbzI5VG3zZit5uLltn0HYyGA
4. All guns used by hunters are a development of guns used by armies, mostly descended from a 1906 design. The AR15 rifle was designed in 1956.
5. None of the guns advertised were "military".
6. There are "sane" and legal reasons for the sale of these guns to the strictly licenced and controlled NZ purchaser.
7. The complainant's deference to NZ law does not justify a complaint.
8. The ASA has previously ruled that newspaper ads are not aimed at children.

Secondly, I state briefly the company's opinion on the suitability of the advert;

- a. The advert depicts a legal activity.

- b. Evidence supports the education of children and adults for improving firearms safety.
- c. The advert encourages parents to get their children involved in outside activities, in this case air rifle target shooting.
- d. The evidence supports that NZ firearms laws are extremely effective and admired by other countries.
- e. The ASA has repeatedly found that it is not a breach to advertise these legal products.
- f. The ASA has found that “one could not assume that legal purchasers would be likely to misuse the products advertised”.

RESPONSE FROM MEDIA, FAIRFAX MEDIA

We appreciate that gun advertising is an emotive subject, but we believe that this business complies with all rules and regulations for gun advertising within NZ. We welcome any recommendation the ASA have in regards to this advertising or type of campaign in the future.

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.