

<b>COMPLAINT NUMBER</b>	18/094
<b>COMPLAINANT</b>	J Marshall
<b>ADVERTISER</b>	Keep New Zealand Beautiful
<b>ADVERTISEMENT</b>	Keep New Zealand Beautiful, Television
<b>DATE OF MEETING</b>	24 April 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Keep New Zealand Beautiful television advertisement showed a woman throwing litter out of a car window while being watched by a character portraying "Mama Nature" with demon-like eyes. She directs a volcano boulder to chase and land on the litterer's car. The advertisement ends with the woman putting litter in the bin and Mama Nature saying "Keep New Zealand BE-YOOO-DIFUL."

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

**Complainant, J Marshall, said:** The Keep New Zealand Beautiful ad is terrifying for small children. My children saw this ad at about 4pm on Wednesday while watching Commonwealth Games gymnastics and diving. They were scared by what it depicted - a woman litters and is punished by mother nature by a volcano erupting, sending a huge rock towards her car. The rock strikes the car and the woman goes flying. She then reappears obviously covered in soot, singed and smoking. My children aged 2 and 4 were scared and concerned. I had to explain that it wasn't real, it didn't really happen, she's not hurt...etc. This ad is possibly funny to someone with a sick sense of humour, however it's just ridiculous and violent. The punishment in no way fits the crime. I understand that the hyperbole is humorous to some, however it is certainly not appropriate to be played during hours when children are watching.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 5, Rule 7;**

**The Chair** noted the Complainant's concern the advertisement was terrifying to young children and not appropriate viewing for the time it was shown.

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 agreed the identity of the Advertiser was clear and it was an advocacy advertisement.

She noted the advertisement had been given a G (General) rating, allowing it to be screened at any time and it had aired during the Commonwealth Games which had a predominantly adult target audience.

The Chair acknowledged the Complainant's family had been scared by the images shown in the advertisement but said the likely consumer takeout would be the advertisement was using a humorous, hyperbolic approach to relay the message that doing bad or careless things can have consequences – in this case for those who litter. The Chair said the cartoon-style ridiculousness of the advertisement should make it unbelievable to most viewers. In this context the advertisement did not meet the threshold to cause serious or widespread offence or show unacceptable violent behaviour.

Therefore, the Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach 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**

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.