

COMPLAINT NUMBER	18/123
COMPLAINANT	T Stone
ADVERTISER	St John New Zealand
ADVERTISEMENT	St John, Television
DATE OF MEETING	8 May 2018
OUTCOME	Not Upheld

SUMMARY

The St John television advertisement for its annual fundraising appeal has a paramedic speaking and says in part: “My job is to serve you and your community. The truth is we’re going to more and more call outs every day. The demand keeps growing and the costs keep rising. Sometimes people forget we’re a charity. Please donate today for new ambulances and life-saving equipment. We have to be there for you, it’s that simple. Show us your heart of gold.”

The Complainant was concerned the advertisement is misleading consumers by advertising its ambulance service nationwide despite the fact it is Wellington Free Ambulance rather than St John that provides emergency call-out services in the Wellington region.

The Advertiser said the annual fund-raising appeal was for ambulances and other life-saving equipment and confirmed that although it did not provide the emergency call out service for the Wellington and Wairarapa region, it did offer a range of other services.

The Complaints Board agreed the advertisement stated it was seeking donations for more than just ambulances and accepted it had not been possible to exclude the Wellington region when purchasing advertising space.

The majority of the Complaints Board said the advertisement was not misleading and had been prepared with a due sense of social responsibility and therefore ruled it was not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

A minority of the Complaints Board said Wellington consumers could be misled by the advertisement’s focus on the emergency call-out service and the imagery and references to funding for ambulances – a service not provided by St John in Wellington.

However, 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 Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything which, either directly or by implication, was likely to deceive or mislead the consumer and if it had been prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement is misleading consumers by advertising its ambulance service nationwide despite the fact it is Wellington Free Ambulance rather than St John which services the Wellington region.

The Advertiser's Response

The Advertiser said the annual fund-raising appeal was for ambulances and other life-saving equipment. The Advertiser clarified that although it does not cover emergency call outs in the Wellington and Wairarapa region, it does deliver many other services including Health Shuttles, Friends of the Emergency Department, Opportunity Shops, St John Youth programme, ASB St John in Schools, First Aid Training and Medical Alarms throughout the region.

The Media Response

The Commercial Approvals Bureau said the Advertiser had no natural interest in misleading viewers about its services as it is not a commercial entity seeking competitive advantage. It referred to a precedent decision about the same issue which was not upheld by the Complaints Board

The Complaints Board Discussion

The Complaints Board began by discussing the likely consumer take-out of the advertisement. The Complaints Board agreed the advertisement was a call to action to donate money for the 40 additional ambulances required by St John, along with other life-saving equipment.

The Complaints Board noted the Complainant considered it misleading to advertise for donations to the St John ambulance service in Wellington when Wellington Free Ambulance provides the emergency call-out service there.

In considering the Complainant's concern the Complaints Board referred to the precedent decision 14/173, which addressed a similar concern about ambulance cover in the Wellington region. The complaint was not upheld by the Complaints Board and the decision said in part:

“...The Complaints Board noted the Complainant's concern the Advertiser's claim on their logo “first to care” was misleading as the Wellington region was serviced by the Wellington Free Ambulance.

The Complaints Board turned to the Advertiser's response, noting where they said “first to care” was a registered trademark and used as umbrella organisational positioning statement which “covers all our products and services – ambulance services, first aid training, events services, medical alarms, health shuttles, Caring Caller and Friends of the Emergency Department programmes.”

The Complaints Board noted where the Advertiser addressed the Complainant's concerns that they were not "first to care" in Wellington however they noted that "St John provide ambulance services for approximately 90% of New Zealand's population." The Complaints Board noted that while they did not provide ambulance services in Wellington the aforementioned services are available in the region..."

The Complaints Board said the Advertiser's response to the complaint before it reiterated the fact that the annual appeal was for ambulances and life-saving equipment and that it delivers many other community and medical services throughout the Wellington region.

The Complaints Board said the advertisement clearly stated that donations were for more than just ambulances and accepted that it had not been possible to exclude the Wellington region when purchasing advertising space for the campaign.

The Complaints Board also agreed with the Advertiser's point that it was possible Wellington residents may require the ambulance service whilst outside the Wellington region and would therefore take a national rather than regional approach to the fund-raising appeal.

The majority of the Complaints Board said the advertisement was not misleading and had been prepared with a due sense of social responsibility and therefore ruled there had been no breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

A minority of the Complaints Board disagreed and said the primary focus of the advertisement was on the use of ambulances for the emergency call out service. As such it said the call to action to donate for more ambulances could mislead Wellington consumers by giving the impression their donation would contribute to the emergency call out service in their region. The Complaints Board minority said the advertisement would benefit from having a disclaimer clarifying that St John did not service the Wellington region for emergency ambulance call outs.

The minority said the advertisement had not been prepared with a due sense of social responsibility to consumers and was in breach of Basic Principle 4 and Rule 2 of the Code of Ethics.

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

DESCRIPTION OF ADVERTISEMENT

The St John television advertisement for its annual fundraising appeal has a paramedic speaking and says in part: "My job is to serve your and your community. The truth is we're going to more and more call outs everyday. The demand keeps growing and the costs keep rising. Sometimes people forget we're a charity. Please donate today for new ambulances and life saving equipment. We have to be there for you, it's that simple. Show us your heart of gold." The St John logo is shown repeatedly throughout the advertisement.

COMPLAINT FROM T STONE

St John's is advertising its ambulance service nation wide, including Wellington, without making it clear that it does not provide ambulance services in Wellington. Wellington is serviced by the Wellington Free Ambulance service.

By not making this clear St John is misleading the public about the service which they provide in Wellington.

CODES OF PRACTICE

CODE OF ETHICS

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

Rule 2: Truthful Presentation - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

RESPONSE FROM ADVERTISER, ST JOHN

Contact person for advertising complaints	Victoria Hawkins, Head of Public Affairs victoria.hawkins@stjohn.org.nz Natalie Davis, Head of Brand Marketing & Customer Experience natalie.davis@stjohn.org.nz
Name and contact at creative agency	N/A – advertisement was created in 2015 so revert to St John contacts above.
Name and contact at media agency	Angela Forward, PHD New Zealand Angela.Forward@phdmedia.com
A basic, neutral description of the advertisement	30" television commercial promoting St John's annual fundraising appeal asking for donations.
Date advertisement began	1 st April 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	The advertisement in question appeared on TV only.
Is the advertisement still accessible – where and until when?	No – the advertisement ran between 1 and 22 April 2018
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast	Link to TV Commercial: https://vimeo.com/258863306/c0d2d324cc

quality version.	
Who is the product / brand target audience?	New Zealanders with a giving spirit
Clear substantiation on claims that are challenged by the complainant.	<p>The complainant's claim "<i>St John's is advertising its ambulance service nation wide, including Wellington, without making it clear that it does not provide ambulance services in Wellington</i>" is incorrect.</p> <p>The TV advertisement was promoting St John's annual fundraising appeal and asking for support.</p> <p>St John is not fully funded and is a charity. Once a year we promote our Heart of Gold Annual Appeal to try and generate donations to help fund St John services, including lifesaving equipment and ambulance services.</p> <p>While St John does not provide ambulance services in Wellington and the Wairarapa, it does deliver many other services including community health (Health Shuttles, Friends of the Emergency Department, Opportunity Shops), Events medical services, St John Youth programme, ASB St John in Schools, First Aid Training and Medical Alarms throughout the region. In the television commercial we are asking for support for St John and do not claim to provide ambulance services in Wellington or the Wairarapa.</p> <p>Because St John delivers services to 97% of New Zealand it is appropriate to create awareness for support with a national television campaign.</p> <p>Furthermore, due to the transient and dispersed nature of today's work and personal lives, many Wellingtonians have had experiences with St John outside of Wellington and may wish to show their support on behalf of themselves, their family or workplace.</p> <p>When buying TV advertising placements there is limitations for the way can we target specific regions; predominately all TV buying and viewing is on a National basis. As the timing of our 2018 Annual Appeal fell over the same dates as the Commonwealth</p>

	<p>Games, buying on a regional basis was not an option for this year. TVNZ sold the Commonwealth Games airtime via packs which were broadcast on a National basis across TVNZ1, TVNZ Duke and TVNZ Heartland.</p> <p>This advertisement, or a similar version of it, has screened nationally for the annual appeal since 2012 and, as with those previous years, we do not believe the content misleads the Wellington public.</p>
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	
For Broadcast advertisements:	
A copy of the script	Please see Appendix A attached.
A copy of the media schedule and spot list (Please remove all financial information)	Please see Appendix B attached.
CAB key number and rating	<ul style="list-style-type: none"> • STJ30071 - Lilah 30 Web 0800 • STJ15072 - Lilah 15 Web 0800 <i>Instructed timings: Mon-Fri 7.30am – 5pm / Sat 8am-5pm</i> • STJ30071A - Lilah 30 Web only • STJ15072A - Lilah 15 Web only <i>Instructed timings: Mon-Fri 5pm-7.30am / Sat 5pm-8am / Sun all day</i>
For Digital advertisements:	N/A
What platform tools have you used to target your audience?	

APPENDIX A – TVC SCRIPT

Lilah

My job is to serve you in your community.

The truth is, we're going to more and more call outs every day.

The demand keeps growing, the costs keep rising, and sometimes people forget that we're a charity.

Please donate today for new ambulances and lifesaving equipment.

We have to be there for you, it's that simple.

Voice over

Please show us your heart of gold, donate to St John today at any ASB branch or online at heartofgold.org.nz

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

ST JOHN TELEVISION ADVERTISEMENT

COMPLAINT: 18/123

KEY: STJ/30/071A

RATING: G

We have been asked to respond to this complaint under the following codes:

Code of Ethics – Basic Principle 4, Rule 11, Rule 2;

CAB approved this St John commercial on 28/03/18 with an 'G' general classification. Under CAB internal policies, this ad is classified as a Charities commercial.

A periodically recurring issue has been raised about St John ambulances services and its relation to the Wellington region.

Every few years it is pointed out the Wellington Free Ambulance Service operates within a defined area that St John does not cover.

Attached is a similar complaint from 2014, where the complaint was not upheld.

St John has no natural interest in misleading viewers about its services, it not a commercial entity seeking competitive advantage.

As in 2014 and years previous, St John has observed a very strong sense of social responsibility in the preparation of its advertisement and should not have the complaint upheld.

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.