

COMPLAINT NUMBER	18/132
COMPLAINANT	P. Lowrie
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Tactical Lighter, Television
DATE OF MEETING	30 April 2018
OUTCOME	No Grounds to Proceed

Advertisement: The advertisement for the Tactical Lighter shows it being used as an ignition device in various scenarios, including in strong winds. The advertisement also demonstrated the durability of the Tactical Device to withstand being frozen and buried.

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

Complainant, P. Lowrie, said: “This item is misrepresented as a "Tactical Lighter". It is really a TASER, which is a concealed weapon and that is not only unlawful to sell, but is unlawful to own, and is a prohibited import.

Ref:<https://www.customs.govt.nz/business/import/prohibited-and-restricted-imports/prohibitions-and-restrictions> Every firearm, weapon and device designed for the purpose of person either wholly or partially incapable of resistance, including stun guns, tasers, and pepper spray

Misrepresenting an item is covered by the Fair Trading Act 1986.”

The relevant provisions were Code of Ethics - Basic Principle 4;

The Chair noted the Complainant’s concern the advertisement was misleading as it was not a lighter, as demonstrated in the advertisement, but a taser which is unlawful to sell and own.

The Chair noted the information provided by the Secretariat regarding the device and its purpose which was clearly identified as a lighter. While the Chair noted the Complainant’s concerns and acknowledged the device had a similar appearance to a taser, she said her role was to consider the advertisement and the likely consumer take-out.

The Chair said the advertisement focused on the device as a lighter which could be used in extreme environments and employed a “plasma arc” rather than using lighter fluid. In her view, there was nothing which was likely to mislead people into thinking the device should be used in a way other than that demonstrated in the advertisement.

The Chair noted a taser or stun gun was an electroshock weapon that delivers an electric shock aimed at temporarily disrupting muscle functions and inflicting pain without causing significant injury. While the Chair noted there were some similarities between the appearance of the Tactical Lighter and an electroshock weapon, the Tactical Lighter did not work in the same way. The Chair also noted the plasma lighter did not carry a strong enough charge to be used as a taser.

After making the above observations, the Chair 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.

Accordingly, the Chair said there was no apparent breach of the Advertising Code and 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.