

COMPLAINT NUMBER	18/190
COMPLAINANT	J. Pickett
ADVERTISER	2 Cheap Cars
ADVERTISEMENT	2 Cheap Cars, Television
DATE OF MEETING	19 June 2018
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for 2 Cheap Cars was in the style of the adult cartoon *South Park* and showed a South Park style cartoon character of Donald Trump. The advertisement said, in part: “Come on down to 2 Cheap Cars... giving you \$1000 back when you purchase a car through Finance Now.”

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

Complainant, J. Pickett, said: The advertisement is in the style of a programme called "South Park". The advertisement starts with a parody of the tv show's theme/opening song and then goes on to display one of the characters (Kenny) but blue instead of orange. I believe they have 'ripped off' the tv show.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2;

The Chair noted the Complainant was concerned the advertisement “ripped off” the *South Park* cartoon style.

The Chair noted the similarities between the *South Park* cartoon and the 2 Cheap Car's advertisement. She said it was clear 2 Cheap Cars was the Advertiser, noting the logo and voiceover which clearly referred to their name. While the Chair appreciated the Complainant's concern the advertisement appropriated the style of the well-known cartoon, she said that, in and of itself, did not make the advertisement misleading.

The Chair also noted that issues about copyright surrounding the use of proprietary characters and styles fell outside the jurisdiction of the Complaints Board.

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

Accordingly, the Chair ruled the complaint had not grounds 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.