

<b>COMPLAINT NUMBER</b>	18/387
<b>COMPLAINANT</b>	M Fenton
<b>ADVERTISER</b>	Eye Specialists Ltd
<b>ADVERTISEMENT</b>	Eye Specialists Radio
<b>DATE OF MEETING</b>	19 November 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The radio advertisement for Eye Specialists Ltd promoted its services to an audience in a certain age range by referring to a number of historical events in the 1980's. It said: "If your eyes saw how drunk Muldoon was when he called the '84 election, if they saw Lange at the Oxford Union..." ... Then we don't need to tell you they are probably due for some maintenance soon. ... Come and see the team at Eye Specialists ... and they'll do their best to ensure you see a lot clearer than Muldoon did that night. Eye Specialists, keeping older eyes younger."

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

**Complainant, M. Fenton, said:** For the past several months I have heard the advertisement for Eye Specialists in Kamo for reasons why you may now need an eye check - (ie referring to older people's sight). One of the reasons cited is that "If you saw how drunk Sir Robert Muldoon was when he called a snap election in 1984, you may be needing an eye check by now" etc. There are many other examples which I think are fine, but although I did not know the late Sir Robert Muldoon or any of his family or friends, I feel for his living family who have to hear this several times a day for months. I think that would be very hurtful, and what proof do they have to be broadcasting this? It was only speculation. I think that clip should be pulled from the advertisement. I find it very offensive and unnecessary.

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

**The Chair** acknowledged the Complainant's concern that the advertisement was likely to be hurtful and based on speculation in referring to Rt Hon Sir Robert Muldoon and his behaviour on the evening the 1984 General Election was called.

The Chair said while of concern to the Complainant, the events surrounding the 1984 General Election announcement were a matter of public record. The Chair took into account the intent of the advertisement was to refer to events that would resonate with people middle-aged and older who would recall the political events at the time, both positive and negative.

The Chair said the references to Rt Hon Sir Robert Muldoon in the advertisement were not respectful but in the context of a radio advertisement promoting the services of an eye specialist health service to those middle-aged and older, they were not likely to cause serious or widespread offence or offend against generally prevailing community standards.

The Chair said the advertisement was not in breach of Rules 4 or 5 of the Code of Ethics and had met the standard of social responsibility required by Basic Principle 4.

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.