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| COMPLAINT NUMBER | 16/414 |
| COMPLAINANT | K Oostendorp |
| ADVERTISER | NZ Transport Agency |
| ADVERTISEMENT | NZ Transport Agency Television |
| DATE OF MEETING | 5 December 2016 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The television advertisement for the New Zealand Transport Agency (NZTA) Drug-affected driving road safety advertising campaign shows a young man driving with his friend. As he is driving the young man is musing to himself about different things, including a future where everyone awesome has to live underground. As he is passing someone on a scooter he fails to see a traffic island, hits it and then drives into the path of an oncoming car. After the crash he is sitting in the car covered in pink milkshake. Flashbacks of him smoking cannabis appear on the screen with the words “Drug driving: Hard to stay focused?”

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

Complainant, K Oostendorp, said:

“The reasons that I found this programme breached the standards:

During the seven sharp viewing, at the 1st advert there was a drug driving advert. I think it was very inappropriate as young viewers are still awake at 7pm and you can see someone doing drugs. What kind of message is this sending to the youth of New Zealand. I feel upset, violated and really shocked by this advert.”

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 4, Rule 5 and Rule 11.

The Chair noted the Complainant’s concerns that it was inappropriate to show someone taking drugs at an hour when young viewers are watching television.

The Chair noted the advertisement had been classified as “GXC” by the Commercial Approvals Bureau (CAB), which means “**General Except Children**. May be broadcast at any time except during programmes which are not intended specifically for children under the age of 13.”

The Chair said that as the advertisement was screened during a current affairs programme, Seven Sharp, which is targeted to an adult audience, its placement in this time slot was appropriate.

The Chair referred to an earlier Complaints Board Decision (16/067) about the same NZTA television advertisement which stated, in part:

“...Looking at the advertisement, the Complaints Board said it was clear the advertisement before it was an advocacy advertisement by the New Zealand Transport Agency that undertakes numerous safety campaigns to educate drivers to potential dangers. In this case, the Complaints Board said the NZTA was alerting viewers to the dangers of driving under the influence of drugs...

When considering the content of the advertisement, the Complaints Board said the cause of the accident was the drugs the man took before driving. In this context, the Complaints Board said the scene of the driver smoking drugs could not be said to have encouraged illegal practices, or encouraged a disregard for safety...

the Complaints Board said the advertisement contained an important public safety message and, given this context and the NZTA's target audience, it said the time the advertisement originally played was appropriate. Consequently, the Complaints Board also said the advertisement was unlikely to cause widespread or serious offence given the context of advocacy and said the advertisement had been prepared with a due sense of social responsibility to consumers and to society...”

The Chair said the above precedent was applicable to the complaint before her. While acknowledging the offence the advertisement had caused the Complainant, the Chair confirmed this advertisement too contained an important safety message and was unlikely to cause widespread or serious offence.

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 Basic Principle 4 or Rules 4, 5 & 11 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**