

You should be able to trust the ads you see

If an ad is wrong, the ASA
is here to help put it right.

Statement from Hon. Heather Roy, Chair

2018 was another busy year at the ASA and to support our vision of “every ad a responsible ad”, we launched a campaign to raise awareness, with generous help from our media members.

Responsible advertising is also supported by the development of codes and standards, which are at the centre of the ASA’s regulatory work.

The codes set the boundaries for industry to work within, allow consumers to test compliance and provide the framework for decisions from the Complaints and Appeal Boards.

Significant projects in 2018 included a Summit with advertisers, agencies and media companies confirming a commitment to self-regulation; the launch of the Advertising Standards Code and the AdHelp Information Service to help advertisers and agencies with compliance and an increased capacity for training.

While only a small number of the advertisements viewed in a year result in complaints to the ASA, consumer complaints do form a significant part of the ASA team’s work.

In 2018, 63% of the advertisements judged to have a case to answer resulted in removal or change. The average time to deal with a complaint is just over two weeks.

In a world where advertising is evolving at an ever-increasing pace, the value of the ASA as a platform-neutral, responsive and robust regulator to set standards and assess compliance is clear.

The ASA is supported by members across the advertising industry, the Governance Board, the Complaints and Appeal Boards and dedicated staff – I acknowledge the significant contribution they all make towards responsible advertising.

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Statement from Hilary Souter, Chief Executive

Awareness and education were our key focus in 2018.

The ASA staff presented over 40 seminars or workshops including a joint seminar with the Commerce Commission, highlighting the role of the ASA Codes and the Fair Trading Act in responsible advertising.

The Advertising Standards Code came into effect in 2018 and covers all advertisements in all media. It requires advertising to be truthful and socially responsible in content and placement. Five other codes contain additional rules for advertising to children and young people; and for products and services such as alcohol; finance; gambling and therapeutic.

There has been discussion recently about shifting community standards. The ASA has seen this reflected in the type of complaints it receives now, compared to 10 or 20 years ago. When considering whether an advertisement

is in breach of generally prevailing community standards, the Boards are conscious of the need to reflect current standards, not set them.

Influencers and their role in promoting products and services have also been covered in the news in recent months. The ASA codes apply to influencer posts where there is a commercial relationship between the influencer and an advertiser. More information on ad identification is available in our Guidance Note, released early in 2018. This has not been a significant area of complaint to date, but there is a growing expectation from consumers that people promoting products and services through personal social media pages will be transparent about payment from advertisers or their agents.

The awareness campaign says it best: “You should be able to trust the ads you see. If an ad is wrong, the ASA is here to help put it right”.

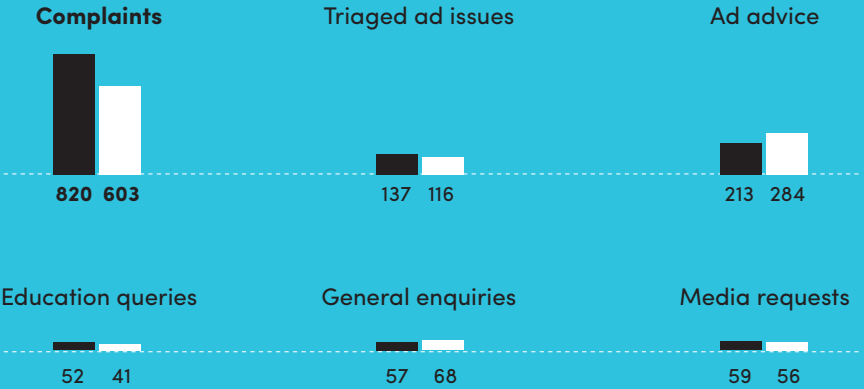
WORKLOAD

TOTAL ENQUIRIES

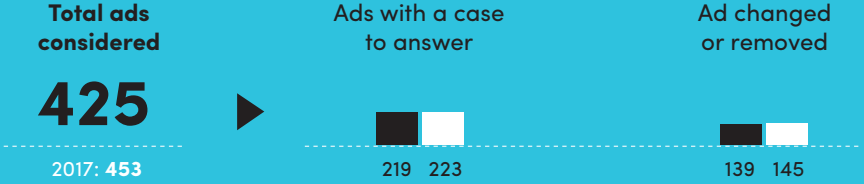
2018
1338

2017
1168

MADE UP OF:

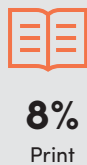
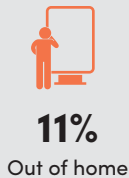
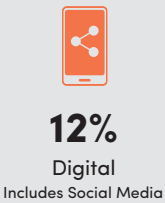
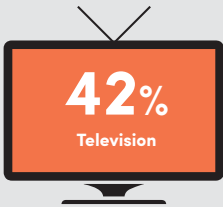


BREAKDOWN:

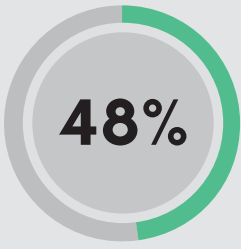


KEY 2018 2017

MOST COMPLAINTS BY MEDIUM



KEY ISSUES



Misleading



Social responsibility



Taste and decency



Children's issues

MOST COMPLAINTS BY CATEGORY



17%

Therapeutics & Health



16%

Food & Beverage



15%

Household goods



11%

Advocacy



11%

Services



9%

Entertainment



7%

Alcohol



4%

Vehicles/
Transportation



4%

Finance



3%

Telecommunication



3%

Apparel

DIGITAL MARKETING BREAKDOWN

72%

Social

18%

Display



6%

Other

4%

Paid search

MOST COMPLAINED ABOUT ADS OF 2018

1.

WAVES NZ

BILLBOARD

146 COMPLAINTS: UPHELD
(ADVERTISEMENT REMOVED)

The advertisement showed a man holding a baby with the words: "If you knew the ingredients in a vaccine, would you RISK it?" and a website address: www.wavesnz.org.nz.

Complainants were concerned the advertisement implied vaccines are not safe. The Advertiser said the advertisement promoted informed consent and encouraged research of vaccine ingredients.

The complaints were upheld. The Advertiser appealed the Decision.

The Appeal Board said the message received by the consumer was limited and therefore misleading. It said a billboard has an unlimited audience and while consumers have a right to be informed, the advertisement engendered fear through text and imagery. The complaints were upheld and the Appeal dismissed.

2.

Breast Cancer Foundation

TELEVISION

13 COMPLAINTS: SETTLED
(ADVERTISEMENT CHANGED)

The Breast Cancer Foundation advertisement has a mother and daughter talking about breast cancer. The ad said "Breast cancer is contagious. It touches the whole family..."

The Complainants' concerns were about the word 'contagious' which was misleading and played on fear.

The Advertiser said the advertisement was to encourage women to have free mammograms, by talking about the wider effects of cancer. Following complaints, the advertisements were amended, removing "contagious". The complaints were settled.

3.

Hanes Australia Pty Ltd

TELEVISION

8 COMPLAINTS: NOT UPHELD

The advertisement for Berlei Bras showed the impact of uncomfortable bras. The advertisement ends with women enjoying wearing the Berlei bra.

Complainants said the advertisement was offensive, played at a time that was inappropriate, and was sexually suggestive.

The Advertiser and Media said the advertisement depicted breasts in an unglamorous and truthful way to highlight the discomfort of ill-fitting bras.

The Board agreed the advertisement was unlikely to cause serious or widespread offence to most people. There was nothing in the advertisement which degraded or exploited women or objectified women in the context of the advertisement. The complaints were not upheld.

4.

Antares Ltd

TELEVISION

8 COMPLAINTS: SETTLED
(ADVERTISEMENT CHANGED)

The television advertisement for Burger King showed a group of people barbecuing inside their van. The disclaimer says "Never BBQ in a vehicle, it is stupid and impairs your ability to be alive".

Complainants' were concerned the advertisement depicted unsafe behaviour. The Chair acknowledged the Advertiser had made changes to the television advertisement and added a clearer safety message. The complaints were settled.

5.

Fluoride Free New Zealand

PRINT

6 COMPLAINTS: NOT UPHELD

Complainants said the advertisement was misleading and played on fear.

The complaints were upheld, in part. The Advertiser appealed the Decision.

The Appeal Board said the advertisement was not misleading because of the context, an invitation to a public lecture explaining recent research on the risks of fluoride.

The Appeal Board said the advertisement did not reach the threshold to unjustifiably play on fear and therefore was not socially irresponsible. The Appeal Board ruled the Appeal was allowed. The complaints were not upheld.

DID YOU KNOW...?

139 ads changed or removed

139 Ads were changed or removed in 2018 following complaints.

2 weeks for decision

On average, the ASA provides a decision in response to complaints in just over two weeks.

22 appeals received

The ASA received 22 appeals to decisions in 2018. Twelve were accepted and seven of those were allowed.

What we do

