

COMPLAINT NUMBER	19/017
COMPLAINANT	J Wintringham & J Tresidder
ADVERTISER	Burger King New Zealand
ADVERTISEMENT	Burger King New Zealand, Television
DATE OF MEETING	22 January 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Burger King showed a group of people BBQing sausages inside their camper van. A large disclaimer is written across the centre of the screen “Never BBQ in an enclosed space. You can get Carbon Monoxide Poisoning.” This warning message is emphasised with a full screen red X and warning sound. The voiceover for the advertisement said: “You can’t BBQ everywhere this summer, but you can BK BBQ”. At the end of the advertisement the group collect food from a drive-through, with a reinforcing tick shown on the screen and are seen eating BK burgers on the beach.

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

Complainant, J Wintringham, said: I first saw this advert some time ago, and I was horrified. It shows people barbecuing inside an enclosed space (a vehicle), a practice which can and has lead to death of people in New Zealand. There was a very inadequate warning in very small print that you can only really read on freeze frame, basically saying don't do it, and not outlining the true implications i.e. death.

The advert was removed from air a short time later. Then tonight I saw the advert again. It has been amended, it now includes an obscure warning about carbon monoxide poisoning, and a Red Cross over the picture. I doubt many young people (the target market) would know very much about carbon monoxide poisoning. Not to mention the advert is rather insensitive for those who have lost loved ones to carbon monoxide poisoning, many through no fault of their own, commonly it's due to a faulty heater.

Please could you seriously consider removing this advertisement from the air altogether. I do not think it is appropriate to show this advertisement in any form, especially at a time and on a programme that children will be watching.

Complainant, J Tresidder, said: I've just seen the Burger King Ad showing a couple BBQ in an enclosed van. I'm shocked that this incredibly dangerous behaviour is allowed to be shown on TV.

The disclaimer is ridiculous saying don't do this in an enclosed area will not stop some young people thinking it's a good idea. They have no idea about carbon monoxide poisoning.

It is demonstrating a behaviour that will kill you. As an ICU nurse of 20 years I'm horrified this is allow on TV. Please reconsider, that this Ad should be pulled from our TV screens.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(e), Rule 1(g);

The Chair noted the Complainants' concerns the advertisement depicted unsafe behaviour which is potentially life threatening.

The Chair said the advertisement before her was an amended version of an advertisement subject to complaint and settled by the Advertiser in Decision 18/409.

The Chair said the new advertisement included a very clear warning message about the dangers of barbecuing in an enclosed space. The large disclaimer and red cross warning sign were impossible to ignore or misinterpret.

In the Chair's view, the actions of the people in the camper van were totally discredited by the serious carbon monoxide poisoning warning and were unlikely to be viewed as something to emulate. She said the advertisement was not encouraging or condoning unsafe practices.

The Chair acknowledged the concern that the advertisement may be seen as insensitive to some viewers.

The Chair referred to a number of previous Rulings (11/722, 13/456 and 14/551) from people who had made similar complaints about advertisements after other real-life events such as the Christchurch earthquakes and other tragedies such as fatal car accidents. Those Rulings acknowledged the trauma that many people have experienced and the distress certain scenes in the advertisements had caused them. However, they had all been ruled No Grounds to Proceed as any unintended similarity in an advertisement to a real-life event while unfortunate, did not reach the threshold to cause widespread offence or breach the Advertising Codes.

The Chair said the advertisement had been prepared with a due sense of social responsibility to consumers and society and was not in breach of Principle 1, Rule 1(e) or Rule 1(g) of the Advertising Standards Code.

Therefore, the Chair ruled there were no grounds for the complaints to proceed.

Chair's Ruling: Complaints **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.