

COMPLAINT NUMBER	19/054
COMPLAINANT	R Clements
ADVERTISER	Heart Foundation NZ
ADVERTISEMENT	Heart Foundation NZ, Television
DATE OF MEETING	11 February 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Heart Foundation NZ television advertisement shows a variety of people in the foreground acting out what it looks like to have a heart attack with the voiceover asking "Who gives the most realistic performance of a heart attack?" In the background another person is sitting holding his chest in a less dramatic manner. The voiceover and text at the end of advertisement identifies the Advertiser with the email address - heartfoundation.org.nz

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

Complainant, R Clements, said

I Hereby lay an Official Complaint To NZ Advertising Standards Authority
In regards to- Nz Heart Foundation Television Advertisement last seen shown 6.10pm & 8.20pm on Tv1 10/1/19 but prior days showing occurred - expected ongoing.

Advert Substance - Contains offensive images of heart attack victims & voice over asking of which image is the real heart attack.

This is deemed offensive viewing to associated persons, degrading to actual victims, causing unecessary distress to those concerned & their families/viewers at peak News Tv time on all channels.

Further the content - uses shock acting portrayal tactics to attract attention damage already done by the time seen.

Changing channel, muting or exiting room to late as add shown - no prior warning possible. Further -Repeated viewing later time interval amplifys further distress.

Response to date from Company -

These people were emailed on concerns last July They replied asked about concerns & were provided an explanation as described above.

No reply was received regarding editing, modifying, or pulling advert or rescheduling.

They were warned twice a complaint would be laid to Advertising Standards Authority should changes not occur & given much opportunity to do so. It appears this advice has not been heeded.

We request that you examine the add content & make a conclusion on what you see to determine the validity of this complaint. We request also the advert broadcasting to be held over during the course of complaint examination.

We ask the Heart Foundation to put emphasis on active showing of Defibrillator use or manual compression chest techniques either or both & to discontinue current add in complaint.

Which would provide better education to Individuals, pose no offence to television viewers whilst fulfilling their obligations in informing public - in a less demeaning way.

Hoping a reasonable conclusion to this event possible for both parties.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 4;

The Chair noted the Complainant's concern the advertisement was demeaning in its portrayal of heart attack symptoms and is offensive to victims and their families.

The Chair acknowledged the distress the advertisement has caused the Complainant and others.

The Chair confirmed the advertisement for Heart Foundation New Zealand was an advocacy advertisement intended to raise awareness about the early detection of heart attacks. The Chair agreed the images could be confronting, however, advocacy advertising is provided for under Rule 11 of the Code of Ethics and robust expression of opinion is allowed as long as the advertiser is clearly identified.

The Chair referred to previous Rulings (11/722, 13/456 and 14/551) about advertisements after other real-life events such as the Christchurch earthquakes and fatal car accidents. Those Rulings acknowledged the trauma that people have experienced and the distress certain scenes in the advertisements may cause.

However, in each of those cases, the Chair ruled there were no grounds for the complaints to proceed. The Chair said any unintended similarity in the advertisements to a real-life event was unfortunate but did not reach the threshold to cause widespread offence or breach the Advertising Codes.

Turning to the complaint before her, the Chair said from time to time scenarios in advertising do resonate with consumers, for tragic reasons and it would be difficult to mitigate this in every case. Whilst the Chair agreed with the Complainant about the importance of educating about defibrillators and correct chest compression procedures, she said that was not the focus of this particular advertisement. The advertisement before her highlighted the importance of early detection and addressed misconceptions about the initial symptoms of a heart attack.

The Chair ruled the advertisement had been prepared with a due sense of social responsibility and had not reached the threshold to breach Basic Principle 4 or Rule 4 of the Code of Ethics. The advertisement complied with the requirements of Rule 11 of the Code of Ethics.

Therefore, 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.