

<b>COMPLAINT NUMBER</b>	19/051
<b>COMPLAINANT</b>	G Lindsay
<b>ADVERTISER</b>	Hud App
<b>ADVERTISEMENT</b>	Hud App, Digital Marketing
<b>DATE OF MEETING</b>	21 February 2018
<b>OUTCOME</b>	Settled – advertisement removed

**Advertisement:** The digital marketing advertisement for the Hud App appeared in the NZ Herald on-line and contained words and images. It said: "The App for people who want the [icon of an eggplant shown] but not the [icon of an engagement ring shown]."

**The Chair ruled the complaint was Settled.**

**Complainant, G Lindsay, said:** Crass advertising online from NZ major news outlet. I have blocks on all crass advertising. An egg plant / aubergine is the same as slamming a dic pic in my face these days, and the message was absolutely intended as a dic pic. Offensive to be targeted for sex while reading the paper online.

**The Advertiser, Hud App, said:** "In regards to the complaint you sent to us on behalf of a consumer below we have removed the advertisement from our marketing materials in New Zealand."

**The Media, NZME, said:** Re: Hud advertisement on NZ Herald Digital, 3 February 2019

"We are writing on behalf of NZME (the media) in response to the above complaint regarding Hud's advertisement in the New Zealand Herald.

This advertisement was designed and submitted on behalf of the client but accepted by NZME Publishing for publication.

The ASA identified Principle 1, Rule 1(c) as relevant:

All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The advertisement complained about ran for one day on 3 February.

In this case, we understand that the use of the imagery was deliberately chosen to portray a meaning which, for those who understand how the eggplant icon is commonly used in social media, would be cheeky. It is our view that this falls short of being offensive, but could be considered provocative. We agree that it could be considered inappropriate for the medium and audience for the New Zealand Herald.

Unfortunately, the creative imagery for the advertisement which ran on 3 February was not approved by our head of Ad Operations and Editorial; this was an oversight for which NZME takes responsibility for, and we apologise for the offence caused. We note it ran for a very limited time and will not be run again. Prior to receiving the complaint, NZME had requested new creative to run from 18 February for this client. An example of this is set out below. "The App for people who want commitment-free dating."

Any future advertisements from this client will be carefully targeted and assessed for its appropriateness and to ensure it remains compliant with the codes.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);**

**The Chair** noted the Complainant's concern the advertisement was offensive and the placement on a major news outlet was inappropriate.

The Chair acknowledged the Advertiser had removed the advertisement from New Zealand platforms and the Media had acknowledged an error had occurred in its approval process. The Chair noted the Media had changed the advertisement copy for future advertisements.

Given the Advertiser and Media's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board. The Chair ruled that the matter was settled.

**Chair's Ruling:** Complaint **Settled – advertisement removed**

#### **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.