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| <b>COMPLAINT NUMBER</b> | 19/170                  |
| <b>COMPLAINANT</b>      | K Lawrence and 2 others |
| <b>ADVERTISER</b>       | Spark NZ Ltd            |
| <b>ADVERTISEMENT</b>    | Spark NZ Ltd Television |
| <b>DATE OF MEETING</b>  | 6 May 2019              |
| <b>OUTCOME</b>          | No Grounds to Proceed   |

**Advertisement:** The television advertisement for Spark NZ portrays scenes from a wedding. As the bride is giving a speech, shots of someone being transported in an ambulance are shown. The bride then introduces her father as the next speaker. He is shown on a screen, addressing the crowd from his hospital bed. The advertisement ends with the text “Leave Nothing Unsaid”.

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

**Complainant, K Lawrence, said:**

Advert showed a dead father speaking at a daughters wedding, my wife lost her father before she was married and was reduced to tears after watching. The advert was crass and insulting

**Complainant, N Scott, said:**

Spark’s advert is a long form advert portraying a wedding with clips detailing the main character’s loss of her father. It then ends with a clip of the father in hospital, very ill (his death is implied) and leaving the wedding crowd with a message. There are no warnings that there will be a very detailed video that describes something that, for many people, was the worst day of their live (losing their father). To use the death of a close family member as a ploy to sell mobile services is disgusting. This was aired on both TV3 and TV1 at the same time, as well as through online advertising.

**Complainant, A Fulton, said:**

I find this Spark advertisement of a daughters wedding and the father in hospital offensive because of the way they use a sick or dying father to make a point about technology uses. Having recently lost my partner and my daughters father to cancer, this is very upsetting to view and has had us in tears. It is very insensitive and I believe that it should be removed from television and that Spark should apologise for their lack of empathy for others who are grieving.

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

**The Chair** noted the Complainants’ concerns the portrayal of a seriously ill person in an advertisement was upsetting and insensitive.

The Chair acknowledged the distress the advertisement has caused the Complainants and others, especially those who have recently suffered a bereavement.

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.

Turning to the complaints 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.

Therefore, while she noted the sincere concerns of the Complainants, she said the advertisement did not reach the threshold to be considered offensive, taking into account the context, medium, audience and product.

The Chair ruled the advertisement was not in breach of Principle 1 or Rule 1 (c) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.