

<b>COMPLAINT NUMBER</b>	19/201
<b>COMPLAINANT</b>	B Smith & T Morra
<b>ADVERTISER</b>	Kai Point Coal Limited
<b>ADVERTISEMENT</b>	Kai Point Coal, Print
<b>DATE OF MEETING</b>	4 June 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Kai Point Coal newspaper advertisement features an opinion piece headed “Kai Point Coal Limited Zero Carbon: What does this mean to the average family.” The author is Chris O’Leary of Kai Point Coal. Below the opinion piece is a coloured block listing the virtues of coal and coal products available for purchase from Kai Point Coal, together with their contact details.

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

**Complainant, B Smith, said:** I wish to complain that the Kai Point Coal insert on page 18 of The Star, May 23, 2019 breaches Rule 2(a) (identification).

The insert is presented as an advertisement with an opinion piece or a letter to the editor by an employee of the company above it. It is clear that the advertisement image on the bottom of the page is advertising and that is not the focus of this complaint. However, it is unclear whether the opinion piece/letter positioned above that image is also an advertisement. The letter to the editor portion has the text "Kai Point Coal Limited" above it. It is unclear what this means. Is the text below it an opinion piece or a letter to the editor published for free by the newspaper, or is the text a paid advertorial by Kai Point Coal Limited? It isn’t clear, but it seems likely it is an advertisement, specifically a paid advertorial, and if so, it breaches Rule 2(a): Identification: advertisements must be advertised as such.

**Complainant T Morra, said:** I wish to complain that the Kai Point Coal insert on page 18 of The Star, May 23, 2019 breaches Rule 2(a) (identification). The insert is presented as an advertisement with an opinion piece or a letter to the editor by an employee of the company above it. It is clear that the advertisement image on the bottom of the page is advertising and that is not the focus of this complaint.

However, it is unclear whether the opinion piece/letter positioned above that image is also an advertisement. The letter to the editor portion has the text "Kai Point Coal Limited" above it. It is unclear what this means. Is the text below it an opinion piece or a letter to the editor published for free by the newspaper, or is the text a paid advertorial by Kai Point Coal Limited? It isn’t clear, but it seems likely it is an advertisement, specifically a paid advertorial, and if so, it breaches Rule 2(a): Identification: advertisements must be advertised as such.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(a), Rule 2(b), Rule 2(h)**

**The Chair** noted the Complainants’ concerns that it is unclear whether the opinion piece about zero carbon is an advertisement or an editorial piece.

The Chair carefully reviewed the advertisement and the context in which it appears. She said the heading “Winter Living Advertising Feature” is shown in the top left-hand corner of the page and that the opinion piece states “Kai Point Coal Limited” in the first and last line of the piece. The Chair said that in her view the identity of the advertisement was sufficiently clear and the likely consumer takeout would be that it is the Advertiser’s opinion on the current state of the zero emissions target. The opinion piece then leads directly to the coal offers Kai Point Coal has available.

The Chair said that consumers would see the same format mirrored on the other side of the page with the CT Electrical Services advertisement which has an opinion piece about heat pumps, with details of available products beneath it. The Chair said this format would reinforce that the content is advertising.

The Chair said the advertisement had been prepared with a due sense of social responsibility and had not reached the threshold to breach Principle 1, Principle 2 or Rule 2(a), 2(b) and 2(h) of the Advertising Standards Code.

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