

<b>COMPLAINT NUMBER</b>	19/234
<b>COMPLAINANT</b>	L Kemeny
<b>ADVERTISER</b>	Affordable Scaffolding Ltd
<b>ADVERTISEMENT</b>	Affordable Scaffolding Ltd, Radio
<b>DATE OF MEETING</b>	16 August 2019
<b>OUTCOME</b>	Settled – advertisement amended

**Advertisement:** The radio advertisement for Affordable Scaffolding Ltd has a jingle with the wording “Affordable Scaffolding takes you up, up, up – Keeps you safe and sound.”

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

**Complainant, L Kemeny, said:** I am complaining about the radio advertisement for Affordable Scaffolding Ltd that I have been listening to on the radio station "The Sound" which is replayed several times nearly every hour. It may well be played on other radio stations as well and would apply this complaint to them as well based in this complaint content. From Stuff.co.nz:

"Affordable Scaffolding was sentenced in Auckland District Court in April following an incident in February 2017 which saw a scaffold erected under the Panmure Bridge collapse. Seven workers were completing maintenance work on the bridge when the scaffolding collapsed and six workers fell into the water, Worksafe said. May 1, 2019"

I work in independently in the Health & Safety sector of the scaffolding industry and to hear this advertisement numerous times per day that "Affordable Scaffolding will keep you up up up and keep you safe and sound" is misleading advertising as customers may not be aware of this company's' recent failure, is not fair to scaffolding companies that have not had accidents and is a slap in the face to those in the industry that are forced to listen to the lyrics and know of the prosecution which was basically a slap on the hand for Affordable Scaffolding Ltd that were found guilty in court of breaching NZ Scaffolding Guidelines and the Health & Safety at Work Act 2015.

It is unfair that construction industry consumers must change their favorite radio station on a regular basis to avoid listening to an advertisement for a company promoting its high safety standards when the nations construction industry knows that this company has not met this standard in recent times.

You cannot promote your business as keeping you safe and sound after being prosecuted in court and fined for a recent accident, they should take a break.

I believe that a temporary hold on this advertisement for at least the balance of 2019 would be fair to the construction industry.

**The Advertiser, Affordable Scaffolding Ltd, said in part:** The following points I would like to raise

\*The accident happened two years ago

\*We pleaded guilty and accepted full responsibility

\*We have engaged with Work safe as they carried out the review

\*We have totally reorganised our processes and procedures around health and safety

\*The culture of the company is today even more focused on H&S across all levels of engagement

\*We recruited a H&S expert full time to totally focus on this aspect of our business

\*We have worked with Work safe to ensure our practises and procedures are now as robust as they can possibly be

\*We are continually looking at ways to improve H&S within our organisation and encourage feedback from all staff on a weekly basis

\*Despite what the complaint states re: size of fine, this was completely out of AFS hands, this was determined by the judicial system

\*We have paid our fine in full.

**The Media, Mediaworks, said in part:**

The audio that mentioned safety has been pulled off air, and we have replaced this with the attached audio that does not mention safety.

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

**The Chair** noted the Complainant's concern the advertisement is misleading to use the wording "safe and sound" given the safety record of the Advertiser.

The Chair said the Advertiser had provided information about the steps taken to improve the organisation's safety procedures and the Media had confirmed the amendment of the advertisement, replacing the words "safe and sound" in the jingle with the words "with the prices down."

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending 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 amended**

**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.