

<b>COMPLAINT NUMBER</b>	19/334
<b>COMPLAINANT</b>	S Dunce
<b>ADVERTISER</b>	Seafood New Zealand
<b>ADVERTISEMENT</b>	Seafood New Zealand Television
<b>DATE OF MEETING</b>	9 September 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Seafood New Zealand said “The aim of the quota management system is to ensure that the amount of fish taken out is a sustainable amount of fish...the orange roughy, which is a slower growing species, and we’re fishing 4% of those on an annual basis. If we keep to that just 4% of the fish that are there, we know that population is slowly increasing.”

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

**Complainant, S Dunce, said:** The ad implies that commercial fishing only takes 4% of the estimated orange roughy stock to be sustainable. And while they may only be currently taking only 4% of the stock it is only because the commercial fishing companies collapsed the stock previously and are only just being allowed back into the fishery by mpi.

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

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b): Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**Rule 2 (h): Environmental Claims:** Environmental claims must be accurate and able to be substantiated by evidence that reflects scientific and technological developments.

**The Chair** noted the Complainant’s concerns the advertisement implies that commercial fishing only takes 4% of the estimated orange roughy stock to be sustainable. The Complainant said the MPI (Ministry of Primary Industries) has recently allowed the return to the commercial fishing of orange roughy.

The Chair said her task is to consider whether the advertisement before her contained anything misleading or was otherwise in breach of the Advertising Standards Code.

The Chair said there was nothing in the advertisement which was misleading. The Chair said the advertisement describes the quota management system and the expectation that the orange roughy population will increase if the quota remains at 4%.

The Chair ruled that the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society and was not in breach of the Advertising Standards Code.

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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.