

COMPLAINT NUMBER	19/340
COMPLAINANT	P Tucker
ADVERTISER	4Ocean
ADVERTISEMENT	4Ocean Television
DATE OF MEETING	16 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for 4Ocean describes the work that 4Ocean does to address the problem of ocean pollution. 4Ocean bracelets are sold to help raise funds for 4Ocean. The voiceover says "...For each one you purchase we pull a pound of trash and help fund clean-ups that have removed over six million pounds in the mission for healthier options..." The website address 4Ocean.com appears at the end of the advertisement.

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

Complainant, P Tucker, said: Can I just pass on my concerns about an utterly misleading ad. They are masquerading as a charity and they are not. It relates to 4Oceans which is inundating NZ at the moment with advertisements for their plastic bracelets. These collectable things are clearly marketed towards kids and are allegedly being sold to raise money for ocean clean up. One of my kids was interested so I contacted this outfit to ask a) how much money they are paying for advertising in New Zealand b) how much money goes to internal costs vis a vis actual clean-up work and c) how much money the two surfers who set it up make in the form of personal profit.

These are the sort of questions I ask of every charity my kids want to support either in person or with their money and I don't believe any of this clarification is unreasonable for any entity soliciting money for good works.

So, here's what they say: none of the financials are released because they are a private company. [Then a big lecture on how good they are]. Finally, tellingly, "we do try and make it clear that we're not a charity or a non-profit." Really 4Oceans? I don't believe your ads make that clear AT ALL. Further research suggests that only a teeny tiny amount of their money goes to actual clean-up activities and most of these activities are run by unpaid volunteers. They talk a big talk about research, staff and boats. Nothing about how much, who and how many. Same stock footage every time.

Having looked further at this company and concerns articulated by the gaping chasm between their promotion and what they actually do, I think that their advertisements are predatory and misleading.

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

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.

The Chair noted the Complainant's concerns the advertisement was misleading because the it created the impression the Advertiser was a charity and the Complainant considered there is a gap between the company's promotion and what they do.

As a preliminary matter, the Chair noted ASA's jurisdiction relates to the content and placement of advertisements and it is not in a position to monitor or assess the effectiveness of the work done by the Advertiser.

Turning to the advertisement, the Chair said it was not misleading. The Chair confirmed the Advertiser does not describe itself as a charity in the advertisement. The Advertiser is promoting the work that 4Ocean does and the sale of their fundraising bracelet.

The Chair ruled the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair ruled the complaint had No Grounds 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.