

COMPLAINT NUMBER	19/350
COMPLAINANT	G. Kirkland and N. Kennington
ADVERTISER	Vodafone NZL
ADVERTISEMENT	Vodafone Television
DATE OF MEETING	23 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Vodafone NZL shows a dog being operated on remotely, using 5G technology. It is not clear at first whether the dog will survive the operation and its owner, an elderly man, is clearly very attached to the dog. The story ends happily as the dog recovers from the operation and its human family is much relieved.

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

Complainant, G. Kirkland, said: Beautifully made 'story' ad, but with no spoken storyline. It was the sort of ad you watch to actually see what is being advertised. Halfway through it appeared that a beloved pet was about to be put to sleep, only for it to appear that the Asian man in a cab somewhere not in New Zealand was a veterinary surgeon who was going to perform virtual surgery on the dog!

As an animal lover who has had to do the hard yards at the vet in the past, I was appalled and upset; and quite thankful that there were no children present that I had to explain it all to.

A voice-over storyline would have negated any trauma, and surely have gotten the positivity of the new 5g network over a lot more effectively.

Complainant, N. Kennington, said: I find this ad very upsetting. It deliberately misleads the viewer to think that an old man is having his dog put down, to the point of seeing the injection administered and the dog twitch and then be still - we are meant to believe the dog has died. There is then a "twist" that shows the dog was just having an operation, but by this point the damage is done. I believe this ad plays on an experience which is related to and unnecessary for promoting 5g and could be harmful to the mental health of susceptible people.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(g);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule1 (g): Fear and Distress: Advertisements must not cause fear or distress without justification.

The Chair noted the Complainants' concerns the advertisement was unnecessarily upsetting because it leads the viewer into thinking an elderly man is having to have his dog put down.

The Chair acknowledged the distress the advertisement has caused the Complainants and others, especially those who are animal lovers and have suffered the bereavement of a much-loved pet.

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 also said the advertisement did not reach the threshold to cause fear and distress without justification and had been prepared and placed with a due sense of social responsibility to consumers and to society.

The Chair said 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.