

<b>COMPLAINT NUMBER</b>	19/411
<b>COMPLAINANT</b>	T Gardiner
<b>ADVERTISER</b>	I.C. Mark Ltd
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	4 November 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The video advertisement for I.C Mark Ltd, funeral directors, was broadcast on YouTube. It shows a number of scenes relating to funerals including a stone angel, an order of service, a coffin and a meeting with a funeral director. The voice over says the business has been operating for 45 years and invites consumers to contact them to talk through the funeral process and what you require, when you are dealing with a bereavement.

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

**Complainant, T. Gardiner, said:** This advertisement is affecting my mental Health and well being and the will to embrace life. ... By trying to embrace my life giving force I like to watch uplifting podcasts, videos and play guitar to music videos, this advert seems to appear almost every day and will cut into my content that I am viewing , which I find very disturbing, distracting and threatening . Who wants to be reminded about death and purchasing a coffin, I understand death is something we will all eventually surcome , but to have it constantly in your face and reminded everyday is a attack on ones will to enjoy life and happiness. My personal view is that these types of businesses should be limited in their advertising, we know where the local Funeral directors are, it is so sad to see this behaviour happening, we should be embracing life and not having this in our faces constantly, I personally would like this advert and others in the same industry to not appear on my social media account as I find it detrimental to my existence . Please can you do something about this attack.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(g), Rule 1(h)**

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

**Rule 1 (c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

**Rule 1 (g) Fear and distress:** Advertisements must not cause fear or distress without justification.

**Rule 1 (h) Health and well-being:** Advertisements must not undermine the health and well-being of individuals.

**The Chair** noted the Complainant's concern about the advertisement for the funeral director's business and the distress it caused them.

The Chair said the advertisement referred to a process that is often a very difficult time in people's lives. The Chair understood the Complainant would prefer not to see this type of advertisement.

However, the Chair said the business is allowed to advertise, and the advertisement before her was matter of fact in showing the types of services the Advertiser can provide and an invitation to talk to them if you require these services.

While acknowledging the distress this and similar advertisements may cause the Complainant, the Chair said she was required to consider whether it breached the Advertising Standards Code.

She said Rule 1(c) required her to consider whether the advertisement was likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair confirmed the matter of fact advertisement for funeral services was not likely to cause serious or widespread offence.

Rule 1(g) required her to consider whether the advertisement would cause fear or distress without justification.

The Chair said while it had caused distress for the Complainant, a funeral director is able to advertise its services and the advertisement did not meet the threshold to be in breach of this rule.

Rule 1(h) required her to consider whether the advertisement undermined the health and well-being of individuals.

The Chair said the advertisement promoted a service to help people manage the arrangements that may need to be made following a death and its content and placement did not undermine the health and well-being of individuals.

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.