

COMPLAINT NUMBER	19/424
COMPLAINANT	J. Orr
ADVERTISER	Night n Day Stores
ADVERTISEMENT	Night N Day Facebook
DATE OF MEETING	8 November 2019
OUTCOME	Settled

Advertisement The Facebook post on Night n Day’s page showed a video of a rugby match, where a player gets elbowed in the face in a violent manner. The wording accompanying the video was “When they \$3 Energy Shake hits you...”

The Chair ruled the complaint was Settled

Complainant, J. Orr, said: This complaint is in follow up to my personal request this morning to Night n Day to remove this post on facebook. I feel they have a social responsibility to not associate any act of violence or proven sporting foul play (this incident was red carded) to directly use this to sell a product in this case a \$3 energy drink. The attached video slip highlights the pain to the opposing player in what occurred in the rugby game. They need to take particular care as part of their target group are children and young people and linking to an act whereby someone was physically harmed and directly linking this to their energy drink promotion is inappropriate. The comments on this post, elude that other people who have viewed it do think this post is in bad taste as well in the way it has been put together by this company.

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

The Chair said that upon receipt of the complaint, the Advertiser had withdrawn the advertisement and apologised for any distress caused by the advertisement.

The Advertiser said in part; “ I write regarding Complaint 19/424 and wish to advise that the content to which this complaint pertains has been deleted from the Facebook page on which it was published.

I would like to apologise to the complainant. Night ‘n Day commits to marketing content that is playful and irreverent, uses topical references where possible, and is relatable content that resonates with our primary social media audience (18-35 year old males and females). We do not condone violence nor expect our audience to replicate what they see in our content. Whilst I refute that we have targeted children and encouraged this behaviour, I accept that the complainant has interpreted our content in this manner and therefore reiterate my apology to the complainant for the distress and concern caused – such upset is never our intention.”

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action taken in removing 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 removed**

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.