

COMPLAINT NUMBER	19/441
COMPLAINANT	W van Gool
ADVERTISER	Unknown
ADVERTISEMENT	Save The Krill
DATE OF MEETING	11 November 2019
OUTCOME	No Jurisdiction

Advertisement: A poster displayed on a building in Lambton Quay shows a cartoon picture of a krill as well as a whale with a line drawn through it. The text says “Save the Krill. Kill the Whales!”

The Chair ruled the Complaints Board did not have jurisdiction to consider the complaint.

Complainant, W van Gool, said:

The World Cetacean Alliance (WCA) is the world's largest partnership of non-profit organisations, individuals and whale and dolphin watching tour operators working collaboratively to protect cetaceans (whales, dolphins and porpoises) and their habitats.

We would like to draw your attention to a sign attached to a building in Wellington (please see appendix A). We have recently concluded a very successful World Whale Conference in Hervey Bay, Australia. A number of the conference delegates are now touring through New Zealand. We have received an appeal from one of our founding partners who visited Wellington today, to inform you of the seriousness of the sign board. While appearing satirical, it is offensive to many of us globally trying to protect whales for the benefit of the ocean and our planet's future. While a few countries ignore the moratorium on whaling, countries like Iceland, Japan, Norway still continue despite global condemnation. The sign lacks respect, creates confusion and the message which comes across does not ignite people's positive behaviour to practice measures in protecting our oceans.

We find this signboard in poor taste while there are many positive messages that can be substituted, like celebrating the magnificence of the whales and their contribution to the ecosystem and mitigation of the negative effects of climate change. This sign gives a negative impression of Wellington.

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

The Chair noted the Complainant's concerns that the poster was offensive to those trying to protect whales.

The Chair referred to the ASA definition of an advertisement, which states:

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.”

The Chair noted the message was a poster on the side of a building in Lambton Quay, Wellington. She said it was not obvious who had commissioned the poster, which she likened to a piece of street art or graffiti. The Chair did not consider the poster met the ASA's current definition of an advertisement.

The Chair ruled the message was not an advertisement and the Advertising Standards Complaints Board did not have jurisdiction to consider the complaint.

Chair's Ruling: Complaint **No Jurisdiction**

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.