

COMPLAINT NUMBER	19/450
COMPLAINANT	M Pike
ADVERTISER	Foodstuffs NZ
ADVERTISEMENT	PAK 'n SAVE, Television
DATE OF MEETING	25 November 2019
OUTCOME	No Grounds to Proceed

Advertisement: The PAK 'n SAVE television advertisement promotes Christmas savings by showing Christmas themed stick figures including a snowman in a Santa's hat. The advertisement uses the music from the Christmas carol "Silent Night", altering the words with lyrics such as "Quality cuts and fancy delights".

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

Complainant, M Pike, said: Pack and Save used the melody of the Christian Hymn " Silent Night" to make a very offensive insensitive Christmas promo. Do the makers of this add realise the significance of the hymn, the words of the hymn says it:

"Silent night, Holy night....." Do they understand the spiritual significance of this hymn for the Christian community in NZ? Do they understand the origins of this hymn, lyrics and melody? Obviously not. When we say we are a country that value all people and respect their world views, belief systems and values, why does an organisation deliberately choose a melody of a Christian hymn to promote their cheap deals?? They could have chosen any other melody. Do they value their Christian customers?? This awful and offensive add demonstrate their insensitive - profit driven approach - in spite of what they try promote otherwise. Why deliberately choose a Christian hymn melody to mock a significant Christian event? "Silent Night, Holy Night" is a hymn about the sacred night (Christmas Eve) that Our Saviour (Jesus Christ) was born 2019 years ago!!!!

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

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.

The Chair noted the Complaint's concerns the advertisement, which adapted the carol "Silent Night" to promote a supermarket, was offensive to the Christian community.

The Chair said the advertisement was a parody on a well-known Christmas carol, to highlight a Christmas promotion, rather than any intent to offend a particular religious group. The images used in the advertisement including Santa hats, a snowman and Christmas puddings reinforced the Christmas focus.

While the Chair acknowledged the offence the advertisement had caused the Complainant, she said the music and words used did not meet the threshold to cause either serious or widespread offence in the light of generally prevailing community standards.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.