

COMPLAINT NUMBER	19/453
COMPLAINANT	P Ryan
ADVERTISER	Lotto NZ
ADVERTISEMENT	Instant Kiwi, Television
DATE OF MEETING	25 November 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Lotto NZ's online games & app says “Kick back with our instant Kiwi online games and you could win up to \$100,000 in an instant. There’s over 25 fun games to choose from over at mylotto.co.nz or at the lotto app. Are you our next winner?”

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

Complainant, P Ryan, said: I am watching the TV One news and have just seen an advertisement for on line gambling (instant kiwi) by downloading a phone app. My complaints are, this is unacceptable during Prime time television, the Lotteries Commission is a Govt controlled/sanctioned entity and they should not be promoting gambling at 6pm at night, secondly, an on line app is a very seductive way to encourage more gambling and thirdly there are no consequences for the on line gambler who is purchasing an instant as opposed to having to personally visit a store to purchase a ticket. For all of these reasons the add and the prime time screening is inappropriate. Gambling is NOT a screen game.

The relevant provisions were Gambling Advertising Code - Principle 1, Rule 1(b)

Principle 1: Social Responsibility: Gambling advertisements must be prepared and placed with a high standard of social responsibility to consumers and to society.

Rule 1 (b) Gambling Harm: Gambling advertisements must not portray or represent anything that will, or is likely to, cause, condone or encourage harm from gambling.

The Chair noted the Complainant’s concern the Instant Kiwi advertisement played at an inappropriate time and the online format could encourage problem gambling.

The Chair acknowledged the Complainant’s genuine concerns about advertising gambling, but said that as a self-regulatory organisation, the Authority’s jurisdiction is limited to the content and placement of advertisements and compliance with the Advertising Codes of Practice. The Chair said the Advertising Standards Authority could only operate within the parameters of the Advertising Codes and the Advertiser was promoting a legal product at an age appropriate time.

The Chair said Lotto NZ is legally entitled to promote Instant Kiwi scratch cards within the constraints of the advertisement’s afforded rating. The Commercial Approvals Bureau has assessed the advertisement as a GXC (General Except Children) rating. This means the

advertisement may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The Chair noted the advertisement subject to complaint played during TVNZ *One News*, which airs at 6:00pm which is categorised as Unclassified Programming.

The Broadcasting Standards Authority refers to Unclassified Programming as “news, current affairs, sports and live content that is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate.”

While the Chair acknowledged the Complainant’s concerns about the timing of the advertisement, she noted the advertisement had been placed with the appropriate care in the 6pm news where viewer discretion is often advised. She also noted that the sale of Instant Kiwi tickets is restricted to those over the age of 18.

The Chair ruled the advertisement was not in breach of Principle 1 or Guideline 1(b) of the Gambling Advertising Code and had been prepared with a high standard of social responsibility.

The Chair said 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.