

COMPLAINT NUMBER	19/457
COMPLAINANTS	S Parkes & M Waitt
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Cubii, Television
DATE OF MEETING	2 December 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Brand Developers' television advertisement for the seated elliptical exercise machine called Cubii states you can “Keep fit while you sit”. The advertisement shows the machine being used in a variety of settings. The voice over says “Experts agree sitting and being sedentary is the new smoking.”

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

Complainant, S Parkes, said: Ad for "Cubii" which I am not disputing the general effectiveness of, either way.

Claim in ad: "Experts agree, sitting and being sedentary is the new smoking".

This is patently false. It makes it sound like there's a general consensus among health practitioners around this issue, that sitting and being sedentary is the "new smoking". There is clearly no expert agreement on what the "new smoking" is or would be.

Being sedentary to an excessive degree is generally not a healthy lifestyle, but it is not the same as smoking and certainly not the "new smoking". And the claim that "experts agree" that it is IS the "new smoking" is manifestly misleading.

Complainant, M Waitt, said: The advert states sitting is the new smoking. A bold statement, considering smoking causes cancer. Sitting does that? I don't think so. Please consider that fact.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainants' concerns the advertisement was misleading as it implied there was a general consensus that “sitting is the new smoking”.

The Chair said the well-known phrase “sitting is the new smoking” is generally credited to Dr James Levine, a Professor of Medicine at the Mayo Clinic. She said the statement is making the point that an activity once considered harmless is now being attributed to various health risks.

The Chair said there is growing research to suggest you can reduce your risk of cancer, type 2 diabetes, cardiovascular disease and back pain by reducing the time spent sitting.

The Chair said it was not unreasonable for the Advertiser to use a phrase from a doctor, which has the support of many healthcare professionals, while promoting a product which encourages consumers to undertake more passive exercise.

The Chair ruled the advertisement was not misleading and had not breached Principle 2 or Rule 2(b) of the Advertising Standards Code.

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

Chair's Ruling: Complaints **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.