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| <b>COMPLAINT NUMBER</b> | 20/004                          |
| <b>COMPLAINANT</b>      | J Taylor                        |
| <b>ADVERTISER</b>       | Ministry for Primary Industries |
| <b>ADVERTISEMENT</b>    | MPI, Digital Marketing          |
| <b>DATE OF MEETING</b>  | 22 January 2019                 |
| <b>OUTCOME</b>          | No Grounds to Proceed           |

**Advertisement:** The Ministry for Primary Industries sponsored Facebook advertisement showed a photo of a man lying next to some fish, on a bed of ice. The man has a tag around his neck saying: “Instant Fine \$250”. The text says: “Rob was gutted when he was caught... Tag a mate who needs the free NZ Fishing App in their life.”

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

**Complainant, J Taylor, said:** This ad depicts suicide! It appears there is a noose around the neck and the corpse is on ice. Bad timing this time of year.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(f), Rule 2(e)**

**The Chair** noted the Complainant’s concerns the advertisement was inappropriate because it depicts suicide. The Chair acknowledged the distress the advertisement may have caused the Complainant.

The Chair confirmed the advertisement for the Ministry for Primary Industries was an advocacy advertisement, intended to raise awareness about the rules for recreational fishing in New Zealand. The Chair said the image of a man lying on ice, next to his fish catch had employed humour to engage consumer interest in its message. The Chair said while the image used in the advertisement could be interpreted in different ways, the likely consumer takeout was it was a warning to fishers to take note of the rules, in order to avoid any instant fines. The Chair said the advertisement fitted the definition of advocacy advertising, as provided for under Rule 2(e) of the Advertising Standards Code.

The Chair referred to previous Rulings (11/722, 13/456 and 14/551) about advertisements depicting events such as the Christchurch earthquakes and fatal car accidents. Those Rulings acknowledged the trauma people have experienced and the distress certain scenes in the advertisements may cause. However, in each of those cases, the Chair ruled there were no grounds for the complaints to proceed. The Chair said any unintended similarity in the advertisements to a real-life event was unfortunate but did not reach the threshold to cause widespread offence or breach the Advertising Codes.

Turning to the complaint before her, the Chair said from time to time scenarios in advertising do resonate with consumers, for tragic reasons, and it would be difficult to mitigate this in every case. Whilst the Chair noted the Complainant’s concern the advertisement was not in breach of the Advertising Standards Code, taking into account generally prevailing community standards.

The Chair ruled the advertisement had been prepared with a due sense of social responsibility and had not reached the threshold to breach Principle 1, Rule 1(c), Rule 1(f) or Rule 2(e) of the Advertising Standards Code.

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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.