

COMPLAINT NUMBER	20/051
COMPLAINANT	J Wright
ADVERTISER	Spark NZ Ltd
ADVERTISEMENT	Television
DATE OF MEETING	24 February 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Spark television advertisement tells the story of Gabriel, a member of the LGBTIQ+ community, telling their mother they have missed out on getting a job they applied for recently. The following text is shown: “For resources on how to foster diversity in your workplace, go to [outline.org.nz](https://www.outline.org.nz).”

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

Complainant, J Wright, said: Complaint Details: I strongly oppose the advert put on by spark about the young Maori man who applies for a job and then talks to his mother on the phone, and says maybe next time. He then changes to a woman. This is a deception, lies and very dishonest. Such things can only lead to destruction of a company, a community and a country and also to the person himself. I wish such adverts to be taken off television. This was seen during the Elton John concert that was on Thursday 6 February at about 8:00pm probably on channel 3

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

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.

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 Complainant’s concerns the advertisement portrayed a dishonest situation.

The Chair said the Advertiser’s portrayal of Gabriel as someone who is having difficulty getting a job because of their gender identity did not reach the threshold to cause serious or

widespread offence. The Chair said the advertisement was not portraying dishonesty rather it is part of Spark's Pride campaign to address workplace discrimination against the trans and non-binary community.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and ruled it was not in breach of Principle 1, Principle 2, Rule 1(c) or Rule 2(b) 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.