

COMPLAINT NUMBER	20/062
ADVERTISER	Mercury Energy
ADVERTISEMENT	Mercury Energy, Digital Marketing
DATE OF MEETING	2 March 2020
OUTCOME	No Grounds to Proceed

Advertisement: The video advertisement for Mercury Energy which appears on the NZ Herald website, www.nzherald.co.nz, is set to the song “Kiss and Say Goodbye” by The Manhattans. The advertisement shows people saying goodbye to their petrol fuelled vehicles and bypassing petrol stations in their electric driven cars. The text says “Kiss Oil Goodbye. Join the Electric Revolution.”

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

Complaint: This advertisement in my opinion is misleading. At the end of the advertisement a car is shown been driven on a road and the words "Kiss Oil Goodbye" are shown. As anybody would know while oil is used to make petrol it is also used to manufacture most of the components of any car, electric vehicles included. A better slogan for this campaign would be "Kiss Petrol Goodbye". Saying that buying electric vehicles will halt the use of oil is misleading.

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 Complainant’s concern the advertisement was misleading to say oil would not still be used in electric vehicles because it was used in their manufacture.

The Chair considered the consumer takeout of the advertisement was that electric vehicles do not need to use petrol and this is the way of the future. The advertisement contained several shots of petrol pumps, which gave context for the Advertiser’s message about petrol powered vehicles versus electric ones. The Chair took into account the Complainant’s issue on the composition of materials required to manufacture electric vehicles but did not consider this was the likely consumer takeout of the advertisement from Mercury Energy, an electricity company that both generates and retails electricity.

The Chair ruled the advertisement was unlikely to mislead or deceive most consumers and said it had not reached the threshold to breach Principle 2 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.