

COMPLAINT NUMBER	20/028
COMPLAINANT	B Summers
ADVERTISER	Great Moscow Circus
ADVERTISEMENT	Great Moscow Circus Billboard
DATE OF MEETING	10 March 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about the billboard advertisement for the Great Moscow Circus. The Board said the advertisement was not misleading because a mechanical polar bear did appear at the Circus.

Description of Advertisement

The billboard advertisement for the Great Moscow Circus showed a photo of a polar bear and the text “Great Moscow Circus – Worlds Most Famous”.

Summary of the Complaint

The Complainant was concerned the advertisement was misleading because it showed a picture of a polar bear when there wasn’t a polar bear in the circus.

Issues Raised:

- Truthful Presentation

Summary of the Advertiser’s Response

The Advertiser said they do have a mechanical polar bear featured at their show and the polar bear goes with the theme of the show.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

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.

Complaints Board Discussion

Consumer Takeout

A majority of the Complaints Board said the consumer takeout was: The circus is in town. Come and see the animals and other acts! The show may contain something to do with polar bears.

A minority disagreed. The minority said the photo of the polar bear implied there would be an actual polar bear performing at the circus.

The Board noted the advertisement is part of the circus's promotion when it is town.

Was the advertisement misleading?

A majority of the Complaints Board said the advertisement was not misleading. This is because the advertisement does not suggest that a live polar bear will be part of the show. The majority said due to safety risks and social concerns about animal cruelty they would not expect a real polar bear to be part of the show. The majority said the show did feature a mechanical polar bear.

A minority disagreed. The minority said the advertisement was misleading because the image of an actual polar bear, rather than a mechanical one, suggested a live polar bear would be part of the show, and it wasn't.

In accordance with the majority, the Complaints Board said the advertisement was not misleading, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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.

APPENDICES

1. **Complaint**
 2. **Response from Advertiser**
 3. **Response from Media**
-

Appendix 1**COMPLAINT FROM B SUMMERS**

I am just enquiring as to whether you cover billboard advertising. I noticed the Great Moscow Circus had two billboards side by side, one of which just featured a polar bear. Given there was no polar bear in the circus I was curious as to whether this was legal advertising.

Appendix 2**RESPONSE FROM ADVERTISER, GREAT MOSCOW CIRCUS**

We are addressing the above Complaint.
Polar Bear being placed on advertising material for the current Great Moscow Circus.
We object to the following complaint.

The Great Moscow Circus is currently touring New Zealand and do currently have a "Mechanical" Polar Bear which features in our show as well as on our advertising Billboards. We do not find we have misled any customers as we do have a mechanical Polar Bear currently featured in our show. It also goes with the theme of our show.

The said advertisement is a corflute advertisement placed on private properties through Christchurch at the time. By our own advance team. Please note they are no longer erected as we have since moved on.