

COMPLAINT NUMBER	20/102
ADVERTISER	Lotto NZ
ADVERTISEMENT	Instant Kiwi, Television
DATE OF MEETING	23 March 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Instant Kiwi television advertisement promotes the option to play on-line and says in part:"Instant Kiwi is now also on-line ...However you play, you could win with over 30 instant Kiwi games on-line.... So grab your mobile and search Instant Kiwi today."

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

Complaint: Instant kiwi advertising on the television. Add at 6 minutes past 6 on chanel 2. They do not disclose the odds. It is false advertising. The return is. AT BEST. 22 cents per dollar. It is a major scam that should be disclosed to unsuspecting people. It is fraudulent. And,to me a money making scam.

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

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

Rule 2(a) Truthful presentation: Gambling 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 advertising was misleading as the odds of winning are not disclosed.

The Chair acknowledged the Complainant's genuine concerns about advertising gambling, but said that as a self-regulatory organisation, the Authority's jurisdiction is limited to the content and placement of advertisements and compliance with the Advertising Codes of Practice. The Chair said the Advertising Standards Authority could only operate within the parameters of the Advertising Codes and the Advertiser was promoting a legal product at an age appropriate time.

The Chair said Lotto NZ is legally entitled to promote Instant Kiwi on-line games within the constraints of the advertisement's afforded rating. The Commercial Approvals Bureau has assessed the advertisement as a GXC (General Except Children) rating. This means the advertisement may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The Chair noted the advertisement screened during the programme *The Big Bang Theory*, which has a PGR rating (Parental Guidance Recommended). The advertisement had therefore played within its afforded rating.

The Chair said the Advertiser was not required to display the odds of winning a prize in its advertisement. She said the likely consumer takeout of the advertisement would be that Instant Kiwi was a game of chance.

The Chair ruled the advertisement was not in breach of Principle 2 or Rule 2(a) of the Gambling Advertising 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.