

<b>COMPLAINT NUMBER</b>	20/068
<b>ADVERTISER</b>	Contact Energy
<b>ADVERTISEMENT</b>	Contact Energy, Television
<b>DATE OF MEETING</b>	9 March 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Contact Energy television advertisement has a voiceover which praises the dairy owners and newsagents of New Zealand and shows a variety of owners in their shops. It talks about how the shop owners serve the community and says in part: "...When they say you're out of stock, you say it's out the back. When they say not for individual sale, you say, just watch me..."

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

**Complaint:** The exclusive use of Asian dairy owners severing non asian customers is not reflective of the society in which we live. It also goes so far as to imply that this community is willing to break the law "not for individual sale, just watch me". Being and Australian born & raised Indian I find this and the fonterra ad (Mr Patel ad) highly offensive as the role the Asian community plays in NZ society is far greater than a dairy owner. Portraying the entire community as only convenience store owners is highly demeaning The Surely the Asian community is contributing more than these ads demonstrate

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

**The Chair** noted the Complainant's concern the advertisement was offensive and demeaning by portraying dairy owners in New Zealand as being exclusively Asian and said the advertisement implied this community of workers was willing to break the law.

The Chair said the advertisement is intended as a celebration of dairy owners as a cornerstone of New Zealand towns and neighbourhoods and appeared to include a number of real-life owners. She said the advertisement portrayed a positive message about small owner-operator businesspeople rather than any negative stereotype.

In relation to the 'not for individual sale' issue raised in the complaint, the Chair referred to a recent precedent decision, Decision 20/050 which considered this concern and was ruled no grounds to proceed. That decision said in part:

"...The Chair said the advertisement was using hyperbolic story-telling to get across its message of the many facets a local dairy or newsagent owner contributes to the community.

The Chair said the short section of the advertisement subject to complaint was incidental to the overall message and that encouraging or condoning the practice of selling "not for individual sale" items was unlikely to be the predominant consumer takeout of the advertisement."

Whilst acknowledging the Complainant's concerns, the Chair said the advertisement had not reached the threshold to breach Principle 1 or Rule 1(c) of the Advertising Standards Code.

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

The Chair has issued a separate decision regarding the Complainant's reference to a Fonterra advertisement.

**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.