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| <b>COMPLAINT NUMBER</b> | 20/134                               |
| <b>ADVERTISER</b>       | Rainbow Confectionery Ltd            |
| <b>ADVERTISEMENT</b>    | Rainbow Confectionery,<br>Television |
| <b>DATE OF MEETING</b>  | 20 April 2020                        |
| <b>OUTCOME</b>          | No Grounds to Proceed                |

**Advertisement:** The Rainbow Confectionery television advertisement promotes their chocolate Easter eggs by showing children comparing the eggs they have collected on a Easter egg hunt. One child who has an Australian accent shows a bucket full of purple half egg shaped chocolates. The other children look at each other and say "Aussies!" The rest of the children are shown eating full egg shaped Easter eggs. The advertisement tag line says, "We don't do things by halves, Rainbow Confectionery, made by Kiwis, for Kiwis."

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

**Complaint:** Rainbow Confectionery is currently running a racist advertisement on TV - denigrating Australians - similar to Mitre10 old advertisement which was bad too - saying 'Aussies' and a young girl offering purple paper covered chocolates (indicating Cadburys) which is not even owned by Australia - but by Nestle, Switzerland. This constant denigration of a race is not acceptable - i.e. if you place a Maori girl in the add and them saying 'Maoris' and it would be pulled off air immediately and the country in an uproar - denigrating any race is not acceptable.

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

**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.

**The Chair** noted the Complainant's concern the advertisement denigrated another race, which was unacceptable.

The Chair said the likely consumer takeout of the advertisement was it highlighted a point of difference between the half-Easter egg shape now manufactured by Cadbury in Australia versus the traditional full shape Easter egg the Advertiser produces in New Zealand.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of humour to compare Australian and New Zealand made Easter eggs in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said the focus of the advertisement was on the quality of the eggs produced in each country rather than any denigration of another race.

While the Chair acknowledged the Complainant's argument that the advertisement may not be acceptable if replaced with a nationality other than Australian, she said the continued

tradition of reciprocal banter and friendly rivalry which existed between Australia and New Zealand prevented the advertisement reaching 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.

**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.