

<b>COMPLAINT NUMBER</b>	20/154
<b>ADVERTISER</b>	Players Sport NZ
<b>ADVERTISEMENT</b>	Players Sport Addressed Mail
<b>DATE OF MEETING</b>	20 April 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The email advertisement from Players Sport NZ was headlined “SPORT AFTER LOCKDOWN” and said in part: “Now is the time to start thinking about life (sport!) after lockdown. We understand plans are in progress for club and school winter sport to commence. Plus, it’s highly likely local public sporting facilities will re-open soon too. To help you get back into it we have hundreds of deals live online now including boots, hockey sticks, rackets and supporters gear. Almost everything is on sale until April 30.” The advertisement provided details on payment and delivery options in accordance with the Government COVID-19 restrictions.

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

**Complaint:** This email was sent an hour prior to the PM’s press release detailing what Level 3 would look like. This email implies that we would be returning to playing sports ‘soon’, stating that plans are in progress for sports to commence (as a member of national sporting bodies that work with local soccer and cricket clubs, this is not the case). It is socially irresponsible for a seller to make suggestions that NZ may come out of lockdown/level 3 sooner and that we can ‘return to sports’ soon, when this is clearly unlikely, given the government’s current announcements, to promote a sale.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(b);**

**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.

**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 and not socially responsible during current Government restrictions.

The Chair said the Advertiser was alerting its customers to the approach it would take for orders and delivery when the alert levels change and they were able to operate again. The Chair noted that to help manage the economic impact of the Government Lockdown, some Advertisers were trying to generate income through advance sales with delivery when allowed.

In the Chair's view, the statements in the advertisement that "We understand plans are in progress for club and school winter sport to commence. Plus, it's highly likely local public sporting facilities will re-open soon too", are the Advertiser's opinion and detailed information is being provided through official channels about what is permitted at each alert level.

The Chair said the advertisement was not misleading and did not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair said the advertisement had been prepared with a due sense of social responsibility and had not meet the threshold to cause serious or widespread offence.

Therefore, 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.