

COMPLAINT NUMBER	20/143
ADVERTISER	Idiya Ltd
ADVERTISEMENT	Idiya Ltd, Digital Marketing
DATE OF MEETING	21 April 2020
OUTCOME	Upheld Advertisement to be Removed

Summary of the Complaints Board Decision

The Complaints Board upheld a complaint about the email and website advertisements for Idiya Ltd. The Board said the advertisements were not socially responsible because they make deliberate if tacit reference to the Covid-19 pandemic with the use of the words “viral” “spread” and “lockdown”. The Board noted the advertisements encourage consumers to “Spread the Savings during the Lockdown”. The Board said in the context of a global pandemic where many lives have been lost, this play on words was both insensitive and irresponsible.

Description of Advertisement

The email and website advertisements for Idiya Ltd said “Spread the Savings during the Lockdown” VIRAL SALE. Refer a friend and get 10% savings. Further spread the savings by shopping over NZD 300 to gift a NZD 30 store credit to your friend too!! Be Generous, Spread the Savings.”

Summary of the Complaint

The Complainant was concerned the advertisements were using inappropriate humour, which referred to the global pandemic resulting from the Covid 19 virus, to promote furniture.

Issues Raised:

- Social Responsibility
- Decency and Offensiveness

Summary of the Advertiser’s Response

The Advertiser said they would remove the word “viral” from the advertisement, if instructed by the ASA. They also said the word “viral” has different meanings and “is often used in connection with digital spread of information.”

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 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.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 19/111, which was Not Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 19/111 concerned a television advertisement for Partners Life life insurance, which was set in a fantasy “Afterlife Transit Lounge”. There are a range of people there, each having died for different reasons. One woman choked on an apricot, another was a smoker and one man died naked. The advertisement ends with the text: “Being dead is easier when your family’s taken care of”.

There were nine complaints about this advertisement. Eight complainants were concerned the advertisement was offensive and in poor taste because it makes fun of death, and this is especially upsetting to people who have recently suffered a bereavement.

A majority of the Complaints Board said the advertisement didn’t reach the threshold to cause harm, or serious or widespread offence. The majority acknowledged the advertisement is taking a fresh and slightly confronting approach to a difficult subject. While some people may find the imagery in the advertisement in poor taste, serious health events and making provision for those that might be left behind are important subjects to be discussed. The themes used in the advertisement were not unrelated to the product being advertised.

The minority said the advertisement was likely to cause serious offense, especially for those who have recently experienced a bereavement or were terminally ill because of its confronting, realistic depiction of unnecessary images.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was its encouraging the purchase of Idiya Ltd furniture products, using language which plays on the word “viral” during the COVID-19 pandemic lockdown.

Audience

The Complaints Board said the audience for the advertisement was visitors to the website and those who received the email advertisement.

Context

The Complaints Board noted the advertisements had been prepared and placed after the Covid-19 pandemic had begun. The Board said while there may have been less adverse

outcomes from the virus at the time the advertisements were placed, the impact of the virus, both worldwide and in New Zealand, is significant and evolving on a daily basis.

Are the advertisements socially responsible?

A majority of the Complaints Board said the advertisements were not socially responsible. This is because the advertisements make deliberate albeit tacit reference to the Covid-19 pandemic with the use of the words “viral” “spread” and “lockdown”. The majority noted the advertisements encourage consumers to “Spread the Savings during the Lockdown”. The majority said in the context of a global pandemic where many lives have been lost and there had been a significant adverse impact on the economy, this play on words was both insensitive and irresponsible.

The majority said Principle 1 of the Advertising Standards Code requires advertisements to be prepared and placed with a due sense of social responsibility both to consumers and to society as a whole and these advertisements do not meet this standard.

The majority noted the Advertiser’s comment that the “Viral word is often used in connection with digital spread of information.” The majority said while the word “viral” can be used in both a digital and a medical context it was clear in this case that the advertisement was deliberately referencing the Covid-19 virus.

A minority disagreed. The minority said the advertisements did not reach the threshold to be socially irresponsible. The minority referred to a precedent decision, 19/111, which was Not Upheld. The minority said while both advertisements included light-humoured references to difficult subjects the average consumer is not likely to be seriously offended by them.

Are the advertisements offensive?

A majority of the Complaints Board said while the advertisements were not socially responsible, they did not reach the threshold to be likely to cause serious or widespread offence.

The majority agreed that while the advertisements were distasteful, they did not contain any confronting or distressing imagery. The impact of Covid-19 in New Zealand so far has been less severe than in other parts of the world, with a smaller number of deaths per head of population. If the number of casualties had been greater and the illness more widespread, the advertisement would have been likely to cause widespread offence.

A minority disagreed. The minority said the advertisements were likely to cause serious or widespread offence, especially for those who have recently experienced a bereavement or illness in their network of family and friends due to Covid-19, either here or overseas. The minority said there are many people who are feeling frightened and alone as a result of Covid-19. Many are also significantly impacted by the effect on the economy.

In Summary

In accordance with the majority, the Complaints Board said taking into account context, medium, audience and product, the advertisements were not socially responsible and were in breach of Principle 1 of the Advertising Standards Code.

In accordance with the majority the Complaints Board said the advertisements did not reach the threshold to be likely to cause serious or widespread offence and were not in breach of Rule 1(c) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Upheld**.

Advertisements to be removed.

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
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Appendix 1

COMPLAINT

I received this digital email, and was actually horrified at the way this 'sale' was marketed. Viral sale? Really making a clever or really stupid play on words during lockdown - I find it very inappropriate when people are globally dying from Covid-19 and they are openly making light of this and twisting wording to get attention and increase sales.

Appendix 2

RESPONSE FROM ADVERTISER,

Our online marketing is done by an overseas agency. We now understand that there can be a misunderstanding or discomfort using the word "Viral sale ". Viral word is often used in connection with digital spread of information.

Pfa links from recent NZ herald articles mentioning viral in digital meaning. I would like to point out that these are all very recent articles. If your agency still feels that we need to amend this ad and banner to delete the word "viral"

We can instruct our overseas vendor to make the amendment and will send a copy to you once it's amended too. Hopefully it can all be done as soon as possible.

We await your instructions on this. As per our understanding the readers do have the sensibility to understand the difference between digital viral content and a medical virus currently in news. But we will still follow your advice and remove the word "viral "if requested by you.