

COMPLAINT NUMBER	20/148
ADVERTISER	Lotto NZ
ADVERTISEMENT	Instant Kiwi, Television
DATE OF MEETING	28 April 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Instant Kiwi television advertisement promotes its Instant Kiwi tickets by showing different people describing how they like to play. The advertisement begins with the words "How do you play instant kiwi?" Participants then explain the way in which they scratch their tickets. The advertisement ends with the Lotto logo and the tagline "play it instore, play it online, play it your way".

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

Complaint: The advertisement of the instant kiwi app should be banned. It is enticing gambling and the ad shows happy people and glorifies gambling. Gambling is addictive and does not look like the depicted ad. It's targeting vulnerable groups. Those susceptible to addiction.

The relevant provisions were Code for Advertising Gaming and Gambling - Principle 1; Principle 2, Rule 1(b), Rule 2(a)

Principle 1: Social Responsibility: Gambling advertisements must be prepared and placed with a high standard of social responsibility to consumers and to society.

Rule 1(b) Gambling Harm: Gambling advertisements must not portray or represent anything that will, or is likely to, cause, condone or encourage harm from gambling.

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 advertisement was glorifying gambling and enticing a vulnerable audience who are susceptible to addiction.

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.

While the Chair acknowledged the Complainant's concerns about gambling addiction and vulnerable people, she noted the Advertiser is able to advertise its products. In the Chair's view, the advertisement focused on the way different people scratch the Instant Kiwi tickets to reveal if they have won. People are shown in different settings including on a couch, in a kitchen and in a garden. The Chair said there was nothing in the advertisement that condoned or encouraged harm from gambling and it was not misleading. The advertisement had been prepared and placed in accordance with the required standard of social responsibility.

The Chair ruled the advertisement was not in breach of Principle 1, Principle 2 or Rules 1(b) and 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.