

<b>COMPLAINT NUMBER</b>	20/170
<b>ADVERTISER</b>	Foodstuffs NZ
<b>ADVERTISEMENT</b>	PAK'nSAVE Television
<b>DATE OF MEETING</b>	4 May 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The PAK'nSAVE television advertisement, which features the PAK'nSAVE "stick man" includes the following voiceover: "...See here, someone's tried to smuggle in some high prices in these cereal boxes... If high prices get in, they can cause a lot of damage..." Next, he says to a cartoon tin can "I'm going to need to conduct a search, step behind this curtain please". As he says this, we hear the sound of him pulling on a rubber glove.

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

**Complaint:** A pricechecker add came on with the stick man and a dog checking prices. It was fine until the last part where the dog has gone and the stick man asks the can to 'go behind the curtain' and he needs to investigate and the stick man applies a glove.

It's suggestive of nakedness, undressing, secrecy and fear a lack of consensual practice and a domination of an authority figure insinuating that it's ok for an 'official' to intimidate and secretly pat down a suspect and that there are no rights or any right of response.

It gives all kinds of wrong messages.

As a health professional I was disgusted, what was meant to be funny turned very wrong on so many levels and could have been better represented by the questioning process or the voluntary offer of the said "high prices"

I genuinely believe it sends the wrong messages to men in particular as it's a mans voice it's ok to bully or intimidate if you are an authority figure or in that kind of position officially or personally.

To children and those that are vulnerable already to intimidation the message is that you must tolerate it and theres no way out except to hide.

**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 conveys the message that it's okay for an "official" to act in an intimidating way.

The Chair acknowledged the genuine concerns of the Complainant but said in this case the Advertiser's humorous portrayal of the "stick man" playing the part of a customs officer did not reach the threshold to cause serious or widespread offence.

The Chair noted customs officers have search powers, which can involve body searches to protect the border from prohibited or harmful goods, The Chair said the reference to a “body search” of a can of spaghetti was in the context of someone trying to “smuggle in some high prices”, and PAK’nSAVE promotes its commitment to keeping prices low.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and ruled it was not in breach of 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.