

COMPLAINT NUMBER	20/278
ADVERTISER	New Zealand Symphony Orchestra
ADVERTISEMENT	New Zealand Symphony Orchestra, Print
DATE OF MEETING	13 July 2020
OUTCOME	No Grounds to Proceed

Advertisement: The advertisement for the New Zealand Symphony Orchestra published in the Dominion Post newspaper has a backdrop image of high-country land and the heading "Pastoral." The advertisement contains concert details and ticket information.

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

Complaint: Although I love classical music and considered going to this concert;

1) I find this advertisement MISLEADING as it suggests this scene is pastoral. My Concise Oxford Dictionary defines pastoral as "(of land) used for pasture" and it defines pasture as "land covered with grass suitable for grazing animals esp. cattle or sheep". This land is not suitable for grazing sheep or cattle, goats or other introduced herbivores.

Another COD definition of "pastoral" is ""portraying country life, usu. in a romantic or idealized form." It does not conform to the ideals of the values of the majority of informed New Zealanders, reflected in legislation which is taking this type of habitat out of Pastoral Leases and putting them under the Conservation Estate.

2) I find this advertisement OFFENSIVE.

This scene depicts high country tundra which in New Zealand is being phased out of Pastoral Leases, as it is an endangered habitat and is being given conservation priority.

Again, this land is not suitable for grazing sheep or cattle, goats, tahr, chamois, rabbits, hares or other introduced herbivores.

It is interesting that there are no cattle or sheep shown, nor do I see "shepherds, flocks and herds" (COD).

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 concerns the advertisement is misleading and offensive to suggest the featured scene is pastoral.

The Chair said the likely consumer takeout of the advertisement would be the New Zealand Symphony Orchestra is promoting a concert of nature-inspired music and any imagery in the advertisement was purely illustrative. Furthermore, the Chair noted the use of the word "pastoral" was connected to the work being performed by the Symphony Orchestra, Beethoven's Sixth Symphony – *Pastoral*. The Chair said this gave the use of the title in the advertisement sufficient context to avoid being misleading.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the use of the pastoral image in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause serious or widespread offence.

The Chair ruled the advertisement was not in breach of Principal 1, Principal 2 or Rules 1(c) and 2(b) 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.