

COMPLAINT NUMBER	20/322
ADVERTISER	Worksafe New Zealand
ADVERTISEMENT	Worksafe New Zealand, Facebook
DATE OF MEETING	3 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The sponsored Facebook advertisement for Worksafe New Zealand promotes safety in the workplace. The video in the post shows a pie with a bite taken out of it and the words “Missed smoko break”, followed by an X-ray of a broken leg and the words “Not this break”. The text in the post says: “We missed the work, not the workplace mishaps. Now we’re back on the job, stay healthy, stay safe.”

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

Complaint: WorkSafe NZ, a New Zealand government agency advertising people to ‘Stay healthy, stay safe’ is using the word ‘Smoko’ which has direct links to the act of stopping work for a cigarette break. As an organisation designed to promote health, safety and well being improvements within the NZ workforce it doesn’t sit well with me, Government organisations should lead by example and the use of the work ‘smoko’ is akin to the use of ‘chairman’ or ‘manhours’ in this modern world.

I had a quick look at other government websites specifically those around employment legislation and the word ‘smoko’ has been replaced with rest/meal when referring to legislated work breaks.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(h), Rule 2(e);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

The Chair noted the Complainant’s concerns about the use of the word “smoko” in an advertisement from a Government agency promoting health and safety.

The Chair said the advertisement is an advocacy advertisement. This is because WorkSafe is New Zealand's primary workplace health and safety regulator. Its role is to lift health and safety performance, supporting New Zealanders to return home from work healthy and safe.

Advocacy advertising is different to advertising products and services and is considered by the Advertising Standards Authority in a different way.

Rule 2(e) of the Advertising Standards Code requires the identity of the advertiser to be clear; opinion to be distinguished from factual information and that factual information must be able to be substantiated. If the identity and position of the Advertiser is clear, then a more liberal interpretation of the Advertising Standards Code is allowed.

The Chair confirmed the Advertiser's identity and position on the issue of workplace safety is clear in the advertisement.

The Chair said the advertisement referred to the reduction in workplace accidents while New Zealanders were at home due to Covid-19 lockdown restrictions. She noted the reference to "smoko" was followed by an X-ray of a broken leg and the likely target audience for the advertisement is those in physical roles such as the building industry. The Chair said the use of the word "smoko" has traditionally been more common in these workplaces.

The Chair said given the origin of the word "smoko", the use of it in a workplace safety advertisement was not ideal. However, she said the likely consumer takeout of the word had shifted significantly and it was no longer synonymous with having a cigarette but instead is a reference to a morning or afternoon break from work.

While acknowledging the genuine concerns of the Complainant, the Chair said the advertisement had not reached the threshold to undermine the health and wellbeing of individuals.

The Chair said the advertisement had not breach Principle 1, Principle 2 or Rules 1(h) and 2(e) 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.