

<b>COMPLAINT NUMBER</b>	20/444
<b>ADVERTISER</b>	The Safety Warehouse
<b>ADVERTISEMENT</b>	The Safety Warehouse, Radio
<b>DATE OF MEETING</b>	30 September 2020
<b>OUTCOME</b>	Settled – advertisement removed

**Advertisement:** The Safety Warehouse radio advertisement promotes their face masks for mandatory use on public transport at Covid 19 Alert Level 2 and above. The advertisement features an alert sound at the beginning.

**The Chair ruled the complaint was Settled.**

**Complaint:** The advertisement uses a similar notification sound (or jingle) to the official government COVID-19 announcement. Played at the beginning of their ad. The advertisement then goes on to promote fabric face masks for sale from the advertiser. This mimicking of the official announcement style is misleading as the business itself feels promoted as an official authority on COVID-19.

This advertisement is disguised as an official announcement. I believe this breaks Rule 2 (a) Identification of the advertising standards code.

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

**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 concern the advertisement was misleading to mimic the official Covid-19 messaging jingle.

The Chair accepted the complaint to go before the Complaints Board, for adjudication as to whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

Upon receipt of the complaint, the Media, NZME replied on behalf of the Advertiser informing the Chair that on review of the advertisement and the complaint, the Advertiser has decided to remove the audio and replace it with new advertising.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

**Chair's Ruling:** Complaint **Settled – advertisement 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.