

COMPLAINT NUMBER	20/558
ADVERTISER	Accident Compensation Corporation (ACC)
ADVERTISEMENT	ACC Radio
DATE OF MEETING	9 November 2020
OUTCOME	No Grounds to Proceed

Advertisement: The voiceover for the radio advertisement for ACC says "An ordinary couple, out for a walk. But look closer - his hand resting on her shoulder, or gripping it? His hand holding hers, maybe that little bit too tight? Last year at ACC we helped 32,042 young people learn about healthy relationships and we supported people harmed by sexual violence. Learn more at acc.co.nz".

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

Complaint: The advert was promoting their healthy relationship programme. they did this by telling people they should be suspicious any time they see a man show any physical sign of affection with their partner such as hand holding.

I think this is a disgusting advert for the following reasons:

1. for an advert promoting a education of healthy relationships it neglects to have any mention of women as potential abusers in a relationship and instead reinforces the negative stereotype that only men are abusers in relationships. I have a male relative who was physically abused by his female partner for years and women are just as capable of abuse.
- 2: it encourages the idea that any time we see a man with their partner we should be suspicious of them and consider them potential abusers.
- 3: it perverts a gesture of affection (hand holding) into an act of harm.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 1(f), Rule 1(g), 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 (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.

Rule 1 (f) Violence and anti-social behaviour: Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

Rule 1 (g) Fear and distress: Advertisements must not cause fear or distress without justification.

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 concern the advertisement encourages listeners to be suspicious when they see men being affectionate, and it doesn't encourage the same suspicion about women.

The Chair said the advertisement was presenting a point of view on a matter of significant public interest and fell into the category of advocacy advertising under Rule 2(e) of the Advertising Standards Code.

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair said the Advertiser's name and website were identified in the advertisement, to meet the identity requirements of an advocacy advertisement. The Advertiser's position about the importance of encouraging healthy relationships was also clear.

The Chair said the advertisement was encouraging public education about the importance of wellbeing and healthy relationships. The advertisement was also encouraging the public to recognise the difference between genuine affection and controlling behaviour disguised as affection. The Chair noted that as well as helping people who have been injured the ACC also has a role in injury prevention.

The Chair noted the advertisement used an example of a man potentially harming a woman, and not vice versa. The Chair acknowledged that it is not just men that are responsible for causing harm in relationships. The Chair noted that according to information on the ACC website females make about four times as many sensitive claims to ACC than males, and this is probably why this example was chosen for the advertisement.

The Chair said the advocacy advertisement had been prepared with a due sense of social responsibility and was not in breach of Principle 1, Rules 1(c), 1(f), 1(g), Principle 2 or Rule 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.