

<b>COMPLAINT NUMBER</b>	20/582
<b>ADVERTISER</b>	Auckland City Mission
<b>ADVERTISEMENT</b>	Auckland City Mission, Television
<b>DATE OF MEETING</b>	27 November 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Auckland City Mission television advertisement shows two children sitting in a darkened bedroom and discusses the hardship many Auckland children face on Christmas day. The advertisement states that the city is facing one of the hardest Christmas' in 100 years. The advertisement asks viewers to donate to the Auckland City Mission appeal and provides the website [www.aucklandcitymission.org.nz](http://www.aucklandcitymission.org.nz).

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

**Complaint:** My sons were watching New Looney Tunes (7 and 8yrs old) on tvnz on demand tonight and an ad came in the middle for the Auckland City Mission - it was a christmas advert and talked about kids not getting anything for christmas. They are still young, naiive, and believe in santa. After the advert showed, they had some hard questions about santa and why the kids on the advert didn't get anything from him. I myself know the realities of life and christmas, however, it is not right that such adverts are shown during childrens programs! I feel a lot of empathy for the concerns the advert has, but it isn't something that should be displayed to kids who are watching alone without any adult supervision who can explain some life issues to them. I would have though the ad should be limited to times of viewing before watershed at least. and even then, not during kids tv shows (looney tunes). T

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

**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 was not appropriate for children given the serious nature of the content.

### **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 acknowledged the Complainant’s concern that the subject matter was not suitable for children.

The Chair confirmed the Advertiser’s identity was clear. Auckland City Mission is a charity and the organisation’s website address was included. The Advertiser’s position on the issue was clear. The advertisement is a call to action to donate to its Christmas appeal. The advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

### **Placement**

The Chair noted that the Complainant had viewed the advertisement while watching TVNZ OnDemand. The Chair confirmed that advertisements are served through the TVNZ OnDemand platform using the account holder profile information, such as age and gender when scheduling advertisements.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of images of families struggling at Christmas time 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 for most consumers.

The Chair said the advertisement, represented in the advocacy environment, had been prepared with the due sense of social responsibility required and did not meet the threshold to breach Principle 1, Principle 2 or Rules 1(c) or 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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.