

<b>COMPLAINT NUMBER</b>	20/428
<b>ADVERTISER</b>	Shosha
<b>ADVERTISEMENT</b>	Shosha Radio
<b>DATE OF MEETING</b>	27 November 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The radio advertisement for Shosha vaping products is a conversation between two men. One says "Dude, I'm scared - post-vaping law, how am I going to find my favourite flavour? ... you know, I love that juicy watermelon vape..." His friend says "Don't worry bro, Shosha's got you. They stock all the flavours, plus, they have over 70 stores nationwide... R18".

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

**Complaint:** The Edge Workday 2020-09-16 1.50pm Advertising by the Vape Shop, worried you won't be able to get your favourite watermelon flavour? We have 70 stores nationwide. And this advertising was immediately followed by advertising for the Hidden Valley Festival (House Music Concert) being held in Matakana on 27th December. (Sadly Hidden Valley is known for drug taking, I have seen the rubbish and multiple small plastic bags that are left after the event).

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

**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.

**The Chair** noted the Complainant's concerns the advertisement was played immediately before an advertisement for the Hidden Valley Festival.

The Chair referred to information provided by Mediaworks, confirming that the advertisement that played at the time referred to by the Complainant was an advertisement for Shosha vaping products, not The Vape Shed. This was therefore the advertisement considered by the Chair.

The Chair said decisions about the placement of radio advertisements, including which other advertisements they are placed alongside, is primarily a matter for the broadcaster. The Broadcaster advised the ASA that the advertisement for the Hidden Valley Festival was not a scheduled, paid for placement. Rather it was broadcast if there were available spots in the ad breaks. The advertisements for the Hidden Valley Festival, an event that is now past, and Shosha vaping products, are no longer being played.

The Chair said, as indicated in the advertisement, advertising for vaping is no longer legal in New Zealand, since the Smokefree Environments and Regulated Products (Vaping) Amendment Act came into force on 11 November 2020.

The Chair ruled the advertisement did not reach the threshold to breach Principle 1 or Rule 1(h) 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.