

<b>COMPLAINT NUMBER</b>	20/449
<b>ADVERTISER</b>	The Vape Shed
<b>ADVERTISEMENT</b>	The Vape Shed Radio
<b>DATE OF MEETING</b>	30 September 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The radio advertisement for The Vape Shed says “there’s over 500 different juice flavours”, “for all your vaping needs” and “Google The Vape Shed. R.18”.

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

There were two complaints about this advertisement:

**Complaint 1:** Heavy advertising for The Vape Shed on the radio.

On the MoreFM Breakfast Show today, just before 7am news.

I have the radio on in the house, one of my morning rituals, open the curtains and put the radio on as the family prepares for breakfast and school morning routines. I have 2 children, 10 and 14yrs old.

I feel these companies are advertising hard before the regulations come into play in November.

(Yesterday I heard an ad played at 2pm during the day on The Edge. Over 70 stores nationwide? Worried you won’t be able to get your favourite watermelon flavour? That ad was followed by advertising for the Hidden Valley ‘House Music’ concert in Matakana on 27th December. This concert is well known for drug taking! I will put through a separate complaint for this, though it was during school time).

**Complaint 2:** Advertising by the Vape Shop, worried you won't be able to get your favourite watermelon flavour? We have 70stores 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 Complainants’ concerns the advertisement was heavily promoting The Vape Shed, and the advertisement was positioned immediately before an advertisement for a music festival.

The Chair said it is currently legal to advertise vaping products and the execution of the advertisement did not have particular appeal to children or young people. The advertisement did not contain anything that would meet the threshold to undermine the health and well-being of individuals.

The Chair noted the Secretariat had sought a comment from the media about the placement of the advertisement and the media said the placement was unplanned. The Chair said the ASA does not have jurisdiction over the placement of advertisements, in respect of having any influence over what other advertisements are placed immediately before or after the advertisement in question.

The Chair said the advertisement was not in breach of 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.