

<b>COMPLAINT NUMBER</b>	21/023
<b>ADVERTISER</b>	Auckland City Council
<b>ADVERTISEMENT</b>	Auckland City Council, Website
<b>DATE OF MEETING</b>	26 January 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Auckland Council website advertisement promotes the Music in Parks programme for the 2021 summer season. The advertisement invites Aucklanders to "Join us from January to March 2021 for "20 FREE music events in Auckland parks."

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

**Complaint:** Auckland Council are continuing to advertise "free" events. This is misleading and highly offensive. It is misleading because these are not free. Rather these events are ratepayer funded. Given David Lange stating this (NZ) is a "user pays economy" either the ratepayer tax contribution needs to be acknowledged or users pay to attend (per D Lange and this is my preferred outcome).

It is offensive because Auckland Council's fiscal mismanagement sees an enormous and unnecessary budget shortfall this year (millions and millions of dollars). In such a climate, instead of crying "woe is me", Goff needs to show his leadership and instruct council to stop this WASTE of rates. "free" is not a slip here; it is a deliberate falsehood.

**The relevant provisions were Advertising Standards Code - 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 in its promotion of free events given that they are ratepayer funded.

The Chair said the likely consumer takeout of the term "free", as used in the advertisement is that there is no admission fee. The fact the Music in Parks programme of events is advertised on the Auckland Council website provides context for the view that the events are funded by the Council and free to the public to participate in.

The Chair said the advertisement was not likely to mislead or confuse consumers as to how the events are funded and therefore did not meet the threshold to breach Principle 2 or Rule 2(b) 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.