

COMPLAINT NUMBER	21/016
ADVERTISER	Radio NZ National
ADVERTISEMENT	Radio NZ National, Spotify
DATE OF MEETING	9 February 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Radio New Zealand advertisement which featured on Spotify begins with the sound of a car horn to simulate a traffic jam. The voiceover says, “Sometimes the difference between a good road trip and a bad one is just the music. At RNZ we’ve put together a selection of summer playlists for your listening pleasure.”

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

Complaint: The background of the advert contains car honking which frightened me every time when I'm driving. I thought someone was beeping me. This can result in dangerous driving. Think this ad should pull out to reduce risk for road users

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(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(e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

The Chair noted the Complainant was concerned the sound of a horn in the advertisement could be dangerous.

In considering the complaint, the Chair referred to precedent Decision 19/148, which considered the use of siren in an advertisement and was not upheld by the Complaints Board.

That decision said in part:

“ Does the siren portray a situation which encourages a disregard for safety?

The Complaints Board said the siren played for a very short duration with a voice speaking over it, which meant it was quickly apparent it is an advertisement. The Complaints Board said even if drivers hearing the siren were to glance in their mirrors, this was unlikely to cause any safety issues.

Does the siren in a radio advertisement cause distress without justification?

The Complaints Board said the use of a siren in the advertisement was fleeting and was not a sound which should cause fear or distress for drivers who should be alert to a range of stimuli. The Complaints Board noted that not everyone listening to the advertisement would be driving. The Complaints Board said while the siren could

cause a reaction for some listeners, it did not reach the threshold to breach Rule 1(e) or Rule 1(g) of the Advertising Standards Code. “

Turning to the complaint before her, the Chair said the precedent decision addressed an issue similar to the Complainant's concern. The Chair noted the advertisement had appeared on the Spotify platform. She said consumers were likely to recognise the sound effect as an advertisement given that it appeared in the middle of a playlist. She said the sound of a horn was a relatively common occurrence for drivers and not likely to provoke undue concern for most listeners.

While the Chair acknowledged the Complainant's genuine concerns about distractions while driving, she said the advertisement did not reach the threshold to portray a situation which encouraged or condoned a disregard for safety and had been prepared with a due sense of social responsibility.

The Chair said the advertisement did not breach Principle 1 or Rule 1(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.