

<b>COMPLAINT NUMBER</b>	21/203
<b>ADVERTISER</b>	Ministry of Health
<b>ADVERTISEMENT</b>	Quit Strong, Out of Home
<b>DATE OF MEETING</b>	30 April 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Ministry of Health’s Quit Strong advertisement appeared on the back of a school bus and said "Discover the best ways to quit for good. Quit Strong.nz." The advertisement includes the Smoke Free logo.

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

**Complaint:** This ad due to no consideration to its placement, has subliminal messaging, suggesting children quit school. The words SCHOOL are much larger than the tiny smokefree that the ad is meant to be focused on. This ad has no place on a school bus. It shows what appears to be two teenage girls very happy about the idea of quitting SCHOOL for good.

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

### **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 was concerned that the placement of the advertisement on the back of a school bus meant it was suggesting children quit school.

The Chair confirmed the Advertiser's identity was clear given the inclusion of the Quitstrong.nz website address and the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said the advertisement was part of the Ministry of Health campaign called "Quit Strong", which is designed to promote ways to help smokers give up the smoking habit.

The Chair acknowledged that the placement of this advertisement on a school bus, next to the "school" sign was not ideal. However, she noted the women who appeared in the advertisement appeared older than school-age. The Chair said the intention of this advocacy advertisement would be apparent to most consumers and the advertisement contained sufficient cues it was promoting a smoking cessation message.

The Chair said the advertisement had been prepared with a due sense of social responsibility and did not reach the threshold to breach Principle 1, Principle 2 or Rules 1(c) and 2(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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.