

COMPLAINT NUMBER	21/150
ADVERTISER	Deaf Aotearoa
ADVERTISEMENT	Sign Language Week, Television
DATE OF MEETING	24 May 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Deaf Aotearoa television advertisement promotes New Zealand Sign Language Week. The advertisement features Officers Minogue and O’Leary from the television show *Wellington Paranormal*. While Officer Minogue introduces sign language week and signs a greeting, Officer O’Leary can be seen wrestling with a zombie character in the background. The advertisement contained a logo for sign language week and a website, nzslweek.org.nz.

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

Complaint: During the chase on tv1 at approximately 5.10 PM and add for sign language week was shown featuring a zombie. This add is unacceptable at this time of the day. Our 8 year old grandchild finds this particularly scary. Please consider this for an adult only timeslot.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(g), 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(g) Fear and distress: Advertisements must not cause fear or distress without justification.

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 the advertisement was not appropriate for viewing when children were part of the audience.

The Chair confirmed the Advertiser’s identity was clear and the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code. The advertisement included a logo for sign language week as well as a website address, nzslweek.org.nz.

The Chair said the intention of the Deaf Aotearoa’s advocacy advertisement is to promote sign language week and noted sign language became an official language of New Zealand in 2006.

In considering the issue of zombies being shown in advertisements, the Chair referred to precedent decision 19/384 which concerned an L&P television advertisement which showed zombie friends exploring a post-apocalyptic cityscape. The Complaints Board did not uphold the complaints and said the advertisement did not reach the threshold to breach the Advertising Standards Codes and was clearly fictitious and humorous.

The Chair noted the advertisement before her had been given a G (General) rating by the Commercial Approvals Bureau, the advertisement screened during *The Chase*, which is also has a G classification. The Chair confirmed that the advertisement had therefore screened in accordance with its rating. The Chair confirmed the Nielsen audience figures supplied by Television New Zealand show that of the 190,200 people viewing *The Chase* on the 16 May only 2.7% were aged between 5-14 years of age.

The Chair said the context of the advertisement was important. The advertisement featured two well-known comedic characters, Officers Minogue and O’Leary from the television programme *Wellington Paranormal*. This comedy programme follows the police investigators as they track supernatural events in a fictitious version of New Zealand. The Chair said the presence of a zombie character is in keeping with what most consumers would expect to see in connection with this programme and the humour used in the advertisement would likely mitigate concerns about the imagery used.

Rule 1(g) of the Advertising Standards Code required the Chair to consider whether fear had been used in the advertisement without justification. The Chair said while the advertisement may be distasteful to some viewers, the use of humour and the Officer’s straight face to the camera in contrast to the zombie attack her partner was dealing with reduced the impact of the zombie’s appearance. The Chair also took into account that the audience for *The Chase* was predominantly adult.

The Chair said the message represented in the advocacy environment did not meet the threshold to breach Principle 1, Principle 2, or Rules 1(g) 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.