

COMPLAINT NUMBER	21/182
ADVERTISER	Fire and Emergency NZ
ADVERTISEMENT	Fire and Emergency NZ, Television
DATE OF MEETING	31 May 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advocacy advertisement for Fire and Emergency NZ begins with the voiceover saying "Firefighters don't like fire movies." The advertisement describes the reality of fires for real firefighters. The voiceover emphasises the deadliness of black smoke and says "We find scratch marks on wardrobe doors mistaken for exits, we've heard the howls of parents whose children are trapped inside the flames. There's no sound like it". "In a real house fire you have less than 3 minutes to escape or you die". The advertisement concludes with the slogan "Install working smoke alarms today" with the Fire and Emergency NZ logo.

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

Complaint: The advertisement was extremely triggering. The calm firefighter talks about scratches on wardrobe doors thought of as exits and parents hearing the screams of their children during a fire. My kids weren't in the room but as a parent hearing this during a 'safe' time of the night when I'm relaxing was really traumatic. This shock factor went above what was required to educate.

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 triggering and traumatic.

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 Chair said the advertisement was part of a Fire and Emergency New Zealand campaign designed to promote the need for households to install working smoke alarms.

The Chair said the intention of this advocacy advertisement is to provide a realistic scenario about how smoke, rather than flames, is likely to kill people in a fire. The Chair noted Fire and Emergency New Zealand has a responsibility to educate the public on this issue on behalf of the Government.

The Chair confirmed that while the advertisement had been given a G (General) rating by the Commercial Approvals Bureau, the advertisement screened during *TVNZ One News*, which is categorised as Unclassified Programming.

The Broadcasting Standards Authority refers to Unclassified Programming as “news, current affairs, sports and live content that is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate.”

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 if the fear was justified on educational grounds, it must not be excessive.

The Chair acknowledged the genuine concerns of the Complainant and said despite the graphic examples quoted in the advertisement, it was delivering an important, potentially life-saving message and was therefore justified on educational grounds. The Chair said the advertisement was trying to portray real-life scenarios of house fires. The Chair considered the descriptions evolved slowly enough for parents to be able to limit exposure to the advertisement if this was deemed necessary.

The Chair said the advocacy advertisement 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.