

<b>COMPLAINT NUMBER</b>	21/291
<b>ADVERTISER</b>	Smart Vent
<b>ADVERTISEMENT</b>	Smart Vent Television
<b>DATE OF MEETING</b>	31 May 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television On Demand advertisement for Smartvent included the following voiceover: "Up to 70 litres of harmful, damp air is produced inside homes every week. It takes just one day to feel fresh, dry healthy air of Smartvent". While this narration is happening the visuals include a kettle boiling, a pot and shower head steaming and a clothes rack. In the background we can also hear the faint sound of a baby coughing and cooing. The advertisement ended with the Smartvent logo, website and phone details and the phrase: "Better air means better health".

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

**Complaint:**

This is my first time complaining about an ad. I have seen an advertisement several times for Smartvent NZ about providing healthy ventilation for homes. In the background of the ad they use seemingly sick babies/childrens coughs as sound which in my opinion is unconscionable. This kind of advertising makes parents feel guilty especially if they know they live in a damp/cold house and cannot afford this kind of solution. I dont think its appropriate to guilt parents into purchasing a product/service and I find it highly inappropriate and pulling heart strings unnecessarily. It insinuates that you are compromising the health of your baby by not using their service and I would like to see these sounds removed.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(g);**

**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.

**Rule 1(g) Fear and distress:** Advertisements must not cause fear or distress without justification.

**The Chair** noted the Complainant's concerns the advertisement inappropriately encourages parents to feel guilty, so they will buy this product.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the sound of the baby coughing, in this context was exploitative, likely to cause harm or serious or widespread offence. Rule 1(g) required the Chair to consider whether the use of the sound of the baby coughing, in this context was likely to cause fear or distress without justification, in light of generally prevailing community standards. The Chair said that despite

the Complainant's objection to the advertisement, it did not reach the threshold to be exploitative, cause harm, or serious or widespread offence or fear or distress, without justification, for most consumers. The Chair said the advertisement is promoting the importance of having a healthy, dry home, for all members of the household, especially small children. The Chair said using the product being advertised is just one way of achieving this outcome.

The Chair referred to a precedent decision, 19/213, which was Not Upheld by the Complaints Board. In that decision the Complaints Board said the Advertiser had provided sufficient evidence to support the claim that harmful damp air is produced inside homes every week. The Complaints Board also referred to the "Healthy Homes Standards Factsheet" which said: "By improving the quality of rental homes, New Zealanders who rent will experience improved health, as well as lower medical costs and lower levels of hospitalisations."

The Chair said the advertisement had been prepared with the due sense of social responsibility required and said it was not in breach of Principle 1, Rule 1(c) or Rule 1(g) 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.