

COMPLAINT NUMBER	21/426
ADVERTISER	New Zealand Blood Service
ADVERTISEMENT	New Zealand Blood Service Television and Facebook
DATE OF MEETING	16 August 2021
OUTCOME	No Grounds to Proceed

Advertisements: There were two advertisements that were the subject of these complaints, a television and a Facebook advertisement. Both advertisements were part of a series of six New Zealand Blood Service advertisements called 'Unseen Emergencies'. The advertisements showed five different scenarios where people unexpectedly need blood products. One of these scenarios showed a boy who gets a blood nose "that won't stop" while playing basketball, one showed a child who will need ongoing plasma transfusions to fight a rare blood disorder, one showed a distressed mother whose new born baby needs heart surgery, one showed a man who has stage four blood cancer and one showed a jogger who is about to be hit by a car. The sixth advertisement in the series showed scenes from each of the five scenarios. At the end of the advertisements was the following text: "Unseen emergencies happen every day - Don't wait to save a life". The New Zealand Blood Service logo was also shown.

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

Complaint: As we understand the advert is reaching out to grab people's attention to give blood, we were not however prepared for the shocking graphics, in particular with the ending of the Mother crying in her hospital bed when her new born baby is being taken away from her. My 4 year old was in the lounge when he saw the ad and was visibly shaken and disturbed by the baby crying and the Mother sobbing in her bed - as well as the little boy playing basketball then falling down with blood coming out of his nose. My 4 year old thinks the baby died and could not sleep. If you could please consider putting a warning on before the ad plays we could control what he see's. We also thought of those parents seeing the advert that perhaps just lost their babies. It is rather traumatic. We are not asking the advert is removed - but if we could please have a warning before the ad plays that would be appreciated.

Complaint 2: I felt that the ad was not appropriate to show at the time of 6:57 because as being a bit sensitive to blood as a 13 year old it made me feel uneasy and it also made it hard for me to eat my dinner. Things in the ad included someone losing lots of blood from their face. I think some little kids watching this ad would also be disturbed.

Complaint 3:

(On behalf of Birth Options Midwives).

This ad is distressing, and portrays a horrifying and unrealistic image of care of women following birth. It distracts from the message the NZ Blood service is trying to portray.

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 noted the Complainants' concerns the advertisements were disturbing, inappropriate for the time slot and audience and portrayed a horrifying and unrealistic image of the care of women following birth.

The Chair confirmed the Advertiser's identity was clear. The New Zealand Blood Service logo was included in the advertisements. The Advertiser's position on the issue was clear. The advertisements were encouraging consumers to donate blood, to help save lives. The Chair said the advertisements complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said the likely consumer takeout of the advertisement was the New Zealand Blood Service is encouraging consumers to donate blood. There are a range of circumstances when people need blood products, and you never know when one of these circumstances might affect you.

Audience

The Chair confirmed that five of the six television advertisements had been given a GXC (General except Children) rating by the Commercial Approvals Bureau (CAB) and one has

been given an M rating (Parental Guidance Required – formerly called PGR). The Chair noted the advertisement screened during the News, which is categorised as Unclassified Programming.

The Broadcasting Standards Authority says the following about Unclassified Programming:

“News, current affairs, sports and live content is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests (Standard 3) and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate.”

According to the CAB advertisements rated ‘M’ “may be broadcast after 7.30pm or during news programmes, or daytime programmes suited for mature audiences but are not necessarily unsuitable for child viewers when subject to the guidance of a parent or an adult.”

The Chair noted that the Facebook advertisement was on the New Zealand Blood Service Facebook page, which is likely to have a predominantly adult audience.

Chair’s Ruling

The Chair said all the advertisements had played within the constraints of their afforded ratings or to an appropriate audience.

The Chair said the advocacy advertisements did not cause fear or distress without justification. The Chair said the important cause the Advertiser was promoting meant the advertisement was justified in showing scenes where people were experiencing distress, including the scene where the mother is upset after the birth of her baby. The Chair said the level of distress experienced by the mother was likely to be a reaction to the news her baby needed heart surgery. The Chair said she did not believe it was any reflection on the care received by the mother.

The Chair said the advocacy advertisements were prepared and placed with a due sense of social responsibility to consumers and to society, taking into account context, medium, audience and product and was not in breach of Principle 1, Principal 2, Rule 1(g) or Rule 2(e) of the Advertising Standards Code.

There were no grounds for the complaints 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. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.