

COMPLAINT NUMBER	21/347
ADVERTISER	Frucor Suntory New Zealand Ltd
ADVERTISEMENT	V Energy Television
DATE OF MEETING	17 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for V Energy drink showed four cartoon bugs travelling in a van drinking V Energy drinks and singing "Wake Me Up Before You Go-Go". The singing stops abruptly when a butterfly hits the front windscreen. The driver says "that's unfortunate" and uses the windscreen wipers to remove the butterfly. The bugs then resume their singing. The advertisement ends with the V Energy logo and the text "Can you feeeel it".

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

Complaint: I would like to make a complaint regarding the recent advertising on tvnz 1 during the 6pm news break. I was extremely concerned regarding this advert which promoted V drinks using a cartoon of bugs driving a car whilst swigging from the can. This is in prime viewing time where many children are still awake. Children are easily influenced by adverts which promote unhealthy food and drinks. This really needs looking into as it is highly inappropriate especially for young audiences who have no idea of the dangers in consuming these drinks

The relevant provisions were Children and Young People Advertising Code - Principle 1, Rule 1(i), Rule 1(j);

Principle 1: Social Responsibility: Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

Rule 1 (i) Targeting children: Advertisements (including sponsorship advertisements) for occasional food or beverage products must not target children or be placed in any media where children are likely to be a significant proportion of the expected average audience.

Guidelines:

- Advertisers need to demonstrate that care is taken when evaluating the expected average audience composition prior to the placement of occasional food or beverage advertisements to ensure they are not targeted at children
- Measures to determine if children are likely to be a 'significant proportion' of the expected average audience may include one, or a combination of, the following:
 - Where accurate data exists 25% or more of the expected average audience will be children.
 - Child viewing time zones.
 - Content with significant appeal to children such as programmes, artists, playlists, video, movies and magazines.

- Locations where children gather (eg schools, school grounds, pre-school centres, playgrounds, family and child clinics and paediatric services and during any children's sporting and cultural events).

Rule 1 (j) Targeting young people: A special duty of care must be applied to occasional food and beverage product advertising to young people.

Children means all persons below the age of 14 years.

Young people means all persons who are at least 14 years but under 18 years.

The Chair noted the Complainant's concerns the advertisement was promoting an unhealthy drink to young audiences.

The Chair referred to a precedent decision, 18/179, regarding Facebook, Instagram and website advertisements for Red Bull, which was Not Upheld by the Complaints Board. The Board said while the advertisements had moderate appeal to young people the placement and content of the advertisements meant they were not targeted at children.

Turning to the complaint before her the Chair said this advertisement for V Energy was not targeted at children or young people. The Chair said while the content of the advertisement was likely to have some appeal to children, the placement of the advertisement meant it was not targeted at children. The content of the advertisement was less likely to appeal to young people and the placement meant that it was not targeted at young people.

The Chair noted the Complainant saw the advertisement during 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."

The Chair noted the following information which had been provided by TVNZ:

"On 3/08/21 on TVNZ 1, 1 News had an average audience of All People 5+ of 753,900. Of these 33,600 were children aged between 5 and 14. This equates to 4.5% of the total audience of the show. There were 5,700 viewers 15-17 years old watching the show on this day.... On 9/08/21 on TVNZ, 1 News had an average audience of All People 5+ of 731,100. Of these 19,600 were children aged between 5 and 14. This equates to 2.7% of the total audience of the show. There were 4,700 viewers 15-17 years old watching the show on this day."

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.