

COMPLAINT NUMBER	21/433
ADVERTISER	Hallenstein Glasson Holdings Ltd
ADVERTISEMENT	Hallenstein Brothers, Email
DATE OF MEETING	30 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Hallensteins email marketing advertisement promotes an online-only sale with "20% off essentials". The top of the email states "Shop online 24/7" and "Shipping essential items during alert level 4". The email contains images and direct links to categories of clothing included in the sale, including trackpants, sweats, knitwear, denim & chinos, shorts and tees.

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

Complaint: This advert is a brazen and utterly contemptuous case of preying on people's anxiety and fear during an extreme lock-down in which the concept of "essential" is high in people's minds.

It creates a fear that these items absolutely must be purchased and that not having them will result in suffering or loss.

It also distorts the lock-down context of the concept of "essential", and encourages people to consider nice-to-haves as essentials, which promotes defiant behaviour in terms of the lock-down rules.

The Prime Minister has made it very clear that clothing is NOT an essential in terms of the lock-down, and this ad brazenly defies this ruling. We all had clothing before lock-down, there is zero need to buy more now.

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 was concerned the advertisement misuses the word 'essential' and preys on people's anxiety and fear during lockdown.

The Chair referred to the workplace operations rules at <https://www.business.govt.nz/covid-19/operating-at-alert-levels/> which state that at Alert Level 4, “clothing stores can operate through contactless delivery of “essential” products only”. The Category of non-food consumer products that are essential is defined on the website and includes “necessary clothing”.

The Chair confirmed that compliance with the workplace operation rules for alert levels is outside the ASA's jurisdiction. The Chair noted the advertisement was offering clothing staples such as sweatshirts and long trousers.

The Chair was required to consider the advertisement in the context of the Advertising Standards Code. Taking into account the workplace operations rules included “necessary clothing” the Chair said the Chair said the advertisement was unlikely to cause offence or give rise to fear or distress to most consumers.

The Chair ruled the advertisement was not in breach of Principle 1 or Rules 1(c) and 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.