

COMPLAINT NUMBER	21/487
ADVERTISER	The New Zealand Mask Company
ADVERTISEMENT	The New Zealand Mask Company, Facebook
DATE OF MEETING	27 September 2021
OUTCOME	No Grounds to Proceed

Advertisement: The sponsored Facebook post by The New Zealand Mask Company features a 15-second video captioned "Face masks for those who don't like face masks". The silent video shows a person's hands holding the mask and emphasising certain features such as the "high elastic side rope" and "adjustable ear band". These features are also stated at the top of the frame highlighted in yellow. The NZ Mask Company name and logo is shown at the end of the video.

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

Complaint: The NZ Mask Company social media campaign has been designed graphically to look very close NZ Govt Covid information advertising.

This campaign is currently running on facebook in New Zealand. Attached are some screen shots.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant was concerned the advertisement used graphics which were similar to Government COVID-19 branding.

The Chair carefully reviewed the advertisement and said the various design features of the mask on sale were highlighted with a yellow line underneath the wording. The Chair acknowledged the yellow colour was a similar tone to that used by the Ministry of Health's COVID-19 branding, however the Government design included yellow and white stripes, which set it apart from a solid yellow line in the advertisement complained about.

While the Chair said there were some common elements, she did not consider the advertisement's design was similar enough to the official COVID-19 branding to be likely to mislead or confuse consumers.

The Chair said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising 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 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.