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| COMPLAINT NUMBER | 21/445 |
| ADVERTISER | New Zealand Blood Service |
| ADVERTISEMENT | New Zealand Blood Service, Television |
| DATE OF MEETING | 28 September 2021 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The New Zealand Blood Service television advertisement shows a montage of people experiencing medical emergencies - a boy playing basketball touches blood from his nose and collapses, an older man carrying plates collapses and his daughter calls for help, a young boy collapses in the doorway of a house, a baby which has just been born. The advertisement flicks quickly to the faces of each of the people under stress and finishes with the new mother, loudly sobbing with the cries of her baby in the background. Text on screen states "Unseen emergencies happen every day." The final screen shows the mother in the hospital bed with the NZ Blood Service logo and the words "Don't wait to save a life".

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

Complaint 1: I believe the television advert encouraging donations to the NZ Blood Service breached rule 1 (g) fear and distress. In particular the graphic imagery of the postpartum women in extreme distress was upsetting and for some women and people (particularly those who have experienced birth trauma) it would be re-traumatising. This is an aggressive fundraising technique and uses shock and distress as a tool to encourage people to give money to a cause. It does not serve as an educational tool.

Complaint 2: The advert is too graphic for the time slot. It depicts images that are too confronting at a time when children may be watching TV. I support NZ Blood Service. But the advert has really upset the children in our household. It needs to be restricted to the evening when children are in bed.

Complaint 3: Was a confronting and distressing ad featuring bloody images and sick children. This ad featured mid day while my 5 and 8 year old children were watching TV as we are in level 4 lockdown. Both of my children were distressed and my 8 year old son actually said he was anxious and sad. Not what I wanted during times of Covid and lockdown uncertainty. Not impressed!!!

Complaint 4: The ad for people to volunteer to give blood was too graphic and extremely disturbing to the family.

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 these complaints

The Chair noted the Complainants were concerned the advertisement was disturbing, inappropriate for the time and audience when it was broadcast and used shock as a fundraising technique. One Complainant said the postpartum scene could be triggering

The Chair confirmed the Advertiser's identity was clear. The New Zealand Blood Service logo was included in the advertisement. The Advertiser's position on the issue was clear. The advertisement was encouraging consumers to donate blood, to help save lives. The Chair said the advertisement 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, a Crown Entity, 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 advertisement had been given a GXC (General except Children) rating by the Commercial Approvals Bureau (CAB) which means the advertisement may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The Chair noted the advertisement had played during the following programmes; *The Block*, rated PG (Parental Guidance recommended), *Extreme Makeover*, rated PG, *National Treasures*, rated G (General viewing.)

In addition, the Chair noted the advertisement had screened during the *AM Show* and the *News*, which are 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.”

While the Chair acknowledged the Complainants’ concerns about the timing of the advertisement, she noted it had been placed within the constraints of the afforded ratings or to an appropriate audience.

The Chair said the advocacy advertisement 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 acknowledged the genuine concerns of the Complainants; however she said the hard hitting nature of the advertisement reflected the urgent need for the call to action behind the messaging.

The Chair said the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society, taking into account context, medium, audience and product and when viewed through an advocacy lens. The Chair said the advertisement was not in breach of Principle 1, Principle 2, Rule 1(g) or Rule 2(e) of the Advertising Standards Code.

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

Chair’s Ruling: Complaints **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.