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| COMPLAINT NUMBER | 21/477 |
| ADVERTISER | Winton |
| ADVERTISEMENT | Winton, Television |
| DATE OF MEETING | 27 September 2021 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The Winton television advertisement shows a boy riding a scooter down a suburban road. A voiceover asks, "Remember when you only had to be home in time for dinner?". The voiceover then recalls memories such as "the final run home on the street with the super smooth seal" and "wondering if Sarah at number 16 was watching". The advertisement shows the boy riding up a driveway and the camera then pans out to show the neighbourhood. The Winton logo is shown as well as the tagline "we build neighbourhoods".

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

Complaint: I am complaining about the Winton advert that was on at 1830. It shows a young man on his scooter in the middle of the road riding to his home. Not only is this dangerous it is also against the law to ride a scooter on the road. Please get the advert removed.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(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(e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

The Chair noted the Complainant was concerned the advertisement portrayed a dangerous and unlawful practice of riding a scooter on the road.

The Chair carefully reviewed the advertisement and said the scenario showed a boy wearing a helmet, riding his scooter (classified as a wheeled recreational device) on an empty road close to the curb – which was identifiable by the broken yellow line near the gutter.

The Chair noted the Land Transport (Road User) Rule 2004 – Rule 11.1, which states,

- "A pedestrian or driver of a mobility device or a wheeled recreational device using the roadway must remain as near as practicable to the edge of the roadway."

The Chair said the advertisement showed the boy riding close to the edge of the road, which was in keeping with the guidance of Rule 11.1. In addition to abiding by the rule, the advertisement showed the boy wearing a safety helmet.

The Chair said the advertisement promoting a property development was not portraying a situation which encouraged or condoned an unsafe practice and had been prepared with a due sense of social responsibility.

The Chair ruled the advertisement was not in breach of Principle 1 or Rule 1(e) 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 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.