

COMPLAINT NUMBER	21/552
ADVERTISER	Waka Kotahi NZ Transport Agency
ADVERTISEMENT	Television
DATE OF MEETING	13 December 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Waka Kotahi/NZ Transport Agency television advertisement shows two girls trying to speak to a man standing on the opposite side of a busy road. The man is dressed in a high vis vest and is holding a clipboard. The two girls ask him what he is doing and as he explains that they are reviewing the speed limits of some roads, his speech is muffled by the noise of passing traffic. The advertisement ends with text on screen stating, "Let's make our speed limits safe", "nzta.govt.nz/safe-limits", and the logos for Waka Kotahi and the New Zealand Government.

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

There were three complaints about this advertisement:

Complaint 1: Speed limit advertisement. Objecting that the language used is disrespectful between children to adults, makes the adult guy look stupid which is not respectful and offensive. The children are questioning the adult in a disrespectful way.

Complaint 2: The ad regarding the speed limit review is the worst ad I've ever seen. It's stressful as people are yelling across a road to each other with heavy traffic. It is noisy and annoying and the ad seems to be very poorly put together and I turn it off straight away. If the broadcaster thinks this is a relevant or helpful ad, it is the opposite. It should be taken off. Surely we don't have to watch this in prime time news time. Shocking and the actors and words are terrible. Someone pushing an adult in a pram, how is that relevant?

Complaint 3: We are parents of twelve year old girl and we watch One News everyday with her. The recent advertisement from NZTA about the speed limit is really distracting and I'm very concerned about the education of my girl and of her aged kids. In the scene, there is a road worker communicating with two teenaged girls. They appear with a pram which quizzes me why. The girls shout out to the man across the road in a very rude manner and the man explains what he is doing. I think it was about the new speed limit thing but his voice is hardly audible due to the traffic and the girls are not even paying attention and they repeat What! Oi? which is very distracting and will become bad influence for the kids in their age. Was it supposed to be funny? Isn't it a serious issue that many people are harmed due to speeding? I tried to ignore the ads many times but I guess it appears in the peak time and couldn't avoid it. And that's it, I can not stand it as a parent and as a citizen living in New Zealand and the ads like this showing lack of respect should never be played.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), 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(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.

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 acknowledged the Complainants were concerned that the advertisement is noisy, distracting, and shows two girls behaving disrespectfully towards a man.

The Chair confirmed the Advertiser's identity is clear and the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code. The end of the advertisement shows the Waka Kotahi and New Zealand Government logos, the "Road to Zero" campaign logo and Waka Kotahi website URL, nzta.govt.nz/safe-limits.

The advertiser's position is also clear. The advertisement is part of a road safety strategy implemented by Waka Kotahi NZ Transport Agency called "Road to Zero". The strategy is designed to improve road safety so no one is killed or seriously injured on New Zealand roads. The Safer Speed Limits campaign is one part of this strategy and involves a process of review by Waka Kotahi, identifying roads which require a change in speed limit to improve public safety.

The Chair said the intention of this advocacy advertisement is to communicate the purpose of the campaign: to review speed limits on roads which have become busier since the speed

limit was initially set. She said that the noise of the traffic in the advertisement emphasises the high traffic volume on the road and reinforces the purpose of the campaign.

The Chair then turned to the concern that the two girls were shown to be disrespectful towards an adult. The Chair reviewed the advertisement and said that the likely consumer takeout was that the children were interested in what the man was doing on the side of the road, dressed in a high-vis jacket and carrying a clipboard. She said that the noise from the road was shown to impact the ability to have a conversation, and therefore the girls became distracted. She said that the behaviour served the purpose of the advertisement and was unlikely to cause serious or widespread offence to audiences.

The Chair confirmed the advertisement had been prepared with due sense of social responsibility and was not in breach of Principle 1, Rule 1(c), Principle 2, 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.