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| COMPLAINT NUMBER | 18/306 |
| COMPLAINANT | R Murray |
| ADVERTISER | Holden NZL |
| ADVERTISEMENT | Holden Television |
| DATE OF MEETING | 17 September 2018 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The television advertisement for the Holden Colorado Pick-Up features a man driving the vehicle in a mountain landscape, and racing a mountain goat to the top of a mountain. The music playing in the background is Electric Pow Wow, played by Canadian DJ Collective, A Tribe Called Red.

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

Complainant, R Murray, said: Gross and blatant Cultural Misappropriation of North America First Nation people's music for use in New Zealand vehicle advertising.

In the interests of fairness, I find it as equally offensive and hugely disrespectful to the significance of First Nation peoples meaningful and traditional music for financial gain of a vehicle manufacturer.

As with Maori, I find it offensive that advertisers and manufacturers feel at liberty to use whatever they feel useful to sell their wares or misrepresent the cultural aspect.

I, as Maori would, demand a full and open public apology and/or proof publically published that the appropriate permissions and financial reparations have been made to both the copyright and cultural owner of the music concerned

I am sure that the Advertising Standards Authority are be as equally keen to ensure that any cultural value or object are not abused whether they be Maori or other cultures.

The relevant provisions were Code of Ethics, Basic Principle 4, Rule 5.

The Chair noted the Complainant's concerns the advertisement was a gross and blatant cultural misappropriation of North American First Nation people's music.

The Chair noted A Tribe Called Red draws on a range of musical influences including hip-hop, traditional pow wow drums and vocals and electronic music.

The Chair was informed by the Secretariat that A Tribe Called Red has given consent for their music to be used by the Advertiser in the advertisement.

While she acknowledged the offence the use of the soundtrack caused the Complainant, she said the use of the music in the advertisement did not reach the threshold to cause serious or widespread offence taking into account the context, medium, audience and product.

In light of the above, the Chair said there was no apparent breach of the Code of Ethics.

Therefore, the Chair ruled that 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 days of receipt of this decision.