

COMPLAINT NUMBER	18/292
COMPLAINANT	D Yip
ADVERTISER	Gun City
ADVERTISEMENT	Gun City, Print
DATE OF MEETING	25 September 2018
OUTCOME	Not Upheld

SUMMARY

The newspaper advertisement for Gun City promoted a Father's Day sale and showed images, details and prices for numerous types of guns. At the top of the advertisement was a cartoon of a father and son holding up a sign saying: "Father's Day Sale". Immediately below this cartoon was a silhouette of a gun with the text: "\$1 Mystery Gun ...On our racks there is a gun selling for \$1! Find it first and call out the make and model and it's yours! 1x on Sat only". The text also said: "Finder must be licence holder and buyer, previous finders excluded from the offer."

The Complainant was concerned the advertisement for a \$1 Mystery Gun was socially irresponsible because it encouraged spur of the moment purchases for a weapon and targeted children/young people who are thinking of gifts for Dad.

The Advertiser said spur of the moment purchase is not possible because no one can buy a firearm without a firearms licence and these take months to obtain. The Advertiser also said children cannot obtain a firearms licence and Fathers' Day purchasers are in the vast majority fathers themselves, a small number of wives and virtually no adult children.

The Complaints Board said the Advertiser was entitled to promote its products to legal purchasers, people over 18 in possession of a firearms licence, in a socially responsible manner.

The Complaints Board agreed the price and product advertisement did not encourage a disregard for safety.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 12 of the Code of Ethics.

Basic Principle 4 required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society.

Rule 12 required the Complaints Board to consider whether the advertisement contained any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety, unless justifiable on educational or social grounds.

The Chair noted the Complainant had made reference to Rule 1(d) Exploitation of Children and Young People, but said this rule, which is part of the revised Advertising Standards Code, does not come into force till 1 November 2018.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement for a \$1 Mystery Gun was socially irresponsible because it encouraged spur of the moment purchases for a weapon and targeted children/young people who are thinking of gifts for Dad.

Response from Advertiser, Gun City

The Advertiser said spur of the moment purchase is not possible because no one can buy a firearm without a firearms licence and these take months to obtain.

The Advertiser also said children cannot obtain a firearms licence and Fathers' Day purchasers are in the vast majority fathers themselves, a small number of wives and virtually no adult children.

Response from Publisher, Otago Daily Times

The Publisher said the advertisement is not exploiting children and the conditions for purchase are clearly displayed.

Precedents

The Complaints Board noted the previous findings of the Chair and Complaints Board, including precedent decisions 15/400, 16/328 and 18/074.

In Decision 16/328, also a Gun City newspaper advertisement, the Chair noted that firearms were a legal product and it was not a breach of the Advertising Codes to advertise such products in a socially responsible manner. Decision 16/329 referred to a previous decision, 07/633, where the Complaints Board noted "there were strict restrictions around the purchase of most of the products, in some cases a gun licence was required and in others proof of identity and confirmation that the purchaser was aged 18 or over."

Complaints Board Discussion

The Complaints Board noted the Complainant's concerns about the advertisement and agreed there is a level of discomfort among some sectors of society about the sale and advertising of guns generally.

The Complaints Board noted however that the advertisement specified the purchaser of the \$1 gun must be a licence holder, and children are not eligible to purchase guns.

The Complaints Board said while the \$1 gun special was a promotion designed to encourage more customers into the store, any potential buyer coming in off the street would also need to have a gun license.

The Complaints Board said the Advertiser was entitled to promote its products to legal purchasers, people over 18, in possession of a firearms licence, in a socially responsible manner. The Complaints Board did not consider the advertisement was targeting children, despite the inclusion of the cartoon, as newspapers have a predominantly adult readership.

Did the advertisement contain anything which encourages a disregard for safety?

The Complaints Board agreed the price and product advertisement did not encourage a disregard for safety.

Was the advertisement prepared with a due sense of social responsibility to consumers and to society?

The Complaints Board agreed the advertisement had been prepared with a due sense of social responsibility to consumers and society.

In light of these findings the Complaints Board ruled there was no apparent breach of Basic Principle 4 or Rule 12 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The newspaper advertisement for Gun City promoted a Father's Day sale and showed images, details and prices for numerous types of guns. At the top of the advertisement was a cartoon of a father and son holding up a sign saying: "Father's Day Sale". Immediately below this cartoon was a silhouette of a gun with the text: "\$1 Mystery Gun ...On our racks there is a gun selling for \$1! Find it first and call out the make and model and it's yours! 1x on Sat only". The text also said: "Finder must be licence holder and buyer, previous finders excluded from the offer."

COMPLAINT FROM D YIP

I take issue with Gun City advertising a \$1 Mystery Gun. Buying a gun isn't a lucky dip. The messaging in the ad encourages spur of the moment purchases, and for a weapon, I think that is irresponsible and goes against Principle 1: Social Responsibility, Rule 1(e) safety.

I argue also that by referencing Father's Day in their ad, they are targeting children/young people who are thinking of gifts for Dad. Hence the ad may be in breach of Rule 1(d) Exploitation of Children and Young People.

CODES OF PRACTICE

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 12: Safety - Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

RESPONSE FROM ADVERTISER, GUN CITY

1. No one can buy a firearm without a Firearms Licence which takes months to obtain and must be obtained before the sale date. Spur of the moment purchase is not possible.

2. Children can not obtain a Firearms Licence. Fathers Day purchasers are in the vast majority fathers themselves, a small number of wives and virtually no adult children.

RESPONSE FROM MEDIA, OTAGO DAILY TIMES

Further to our discussions re the Gun City advertisement that appeared in the ODT on the 29th of August. Gun City are a relatively new advertiser in the ODT as they have only been in the market for less than a year.

Since we have been publishing their ads we have had numerous complaints that we are allowing to publish them at all. This is because our readers are not used to this product being advertised. These Gun City ads have appeared in the CHCH Press and the Southland Times for a number of years. This ad will have run in those titles as well.

To the complaint itself. Firstly the piece on gun purchasing being a lucky dip. The conditions around purchase are clearly laid in the blurb re eligibility on purchase. The fathers day reference is more complicated but is not exploiting children. In hindsight however we would be encouraging Gun City to re think that strategy and we would want to view ads well in advance before allowing publication.

Since advertising with the ODT Gun City have proved to be a very responsible advertiser and we have had no previous issues with them.

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.