

<b>COMPLAINT NUMBER</b>	18/330
<b>COMPLAINANT</b>	D Davey
<b>ADVERTISER</b>	Clinicians Ltd
<b>ADVERTISEMENT</b>	Flora Restore, Television
<b>DATE OF MEETING</b>	1 October 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Flora Restore probiotics says in part: “While we might not talk about vaginal health, an imbalance of friendly bacteria is a common issue one in four of us may experience in our lives. Clinicians Flora Restore is a unique female natural probiotic that helps support both vaginal and bladder health...”

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

**Complainant, D Davey, said:** I don’t think the vaginal health advertisement at this time of the evening is appropriate. I have seen it earlier in the evening and it does not need to be. A lot of women to whom this advert would be relevant would be sitting up later in the evening. Let’s just keep the youngsters innocent for a bit longer - I get a bit tired of questioning children into areas they don’t need to know about.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 4, Rule 5;**

**The Chair** noted the Complainant considered it was inappropriate for an advertisement for feminine products to be shown in the early evening.

The Chair confirmed that the advertisement screened during the News, which is 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 Complainant’s concerns about the timing of the advertisement, she noted it had been placed in the 6 pm news where viewer discretion is often advised. The Chair said the language in the advertisement was discreet and she was of the view that an advertisement for vaginal probiotics fell into the same category as advertisements that may air during the news hour for other feminine products such as sanitary pads.

The Chair acknowledged the timing of the advertisement was of concern to the Complainant. However, the advertisement and its placement did not meet the threshold to be likely to offend against generally prevailing community standards, taking into account context, medium, audience and product under Rule 4 and Rule 5 of the Code of Ethics. She said the advertisement had been prepared with a due sense of social responsibility to consumers and society in accordance with Basic Principle 4 of the Code of Ethics.

Therefore, 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.