

COMPLAINT NUMBER	18/433
COMPLAINANT	N Warner
ADVERTISER	Netsafe
ADVERTISEMENT	Netsafe Digital Marketing
DATE OF MEETING	14 January 2019
OUTCOME	No Grounds to Proceed

Advertisement: The website advertisement for Netsafe’s “Don’t be a Nick” campaign includes images of text exchanges between three friends, TK, Jimmy and Nick. Nick is the friend that “takes things a little too far”. When Nick shares a nude photo of a woman his friends say “Dude, NOT cool to share her nudes” and “Yeah, that is actually too far Nick”. The advertisement ends with the text “# Don’t be a Nick, it’s not okay to share nudes. Netsafe.org.nz/ Don’t-Be-a-Nick”.

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

Complainant, N Warner, said: Netsafe seeks to define a category of sex offence, namely sharing nude images without consent as "being a Nick". This is tarring the reputation of all people named Nick solely on the basis of their name.

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

The Chair noted the Complainant’s concerns that using the phrase “being a Nick” to describe sharing nude images without consent is tarring the reputation of all people named Nick.

The Chair referred to a previous Complaints Board Decision, 13/517, concerning a Skinny Mobile television advertisement featuring characters called “Rick” and “Nick”. Rick was saving money with Skinny Mobile, and Nick wasn’t. The Complainant said the advertisement was causing suffering to their 7 year old son called Nick, who had been bullied at school.

The Chair of the Complaints Board ruled Complaint 13/517 “No Grounds to Proceed” and referred to a previous decision, 08/047, that concerned a similar complaint about an advertisement that gave negative connotations to the girls’ name Trudy. That Decision stated, in part, that the Complaints Board:

“... noted that Trudy was referred to as “a fat girl’s name”, and this comment had then been responded to with disapproval by others in a dinner party setting. However, the male guest repeated the name in connection with a reference to weight, albeit weight loss, and continued with the theme that the name Trudy had “fat girl” connotations.

...

the majority of the Complaints Board expressed the view that while the comments in the advertisement were of questionable taste, a level of humour was intended, provision for which was contained in Basic Principle 6. In the view of the majority of

the Complaints Board, this prevented the advertisement from reaching the threshold to be likely to cause serious offence in the light of generally prevailing community standards, and thereby ruled that it was not in breach of Basic Principle 4.

Having made the above observations, the Complaints Board ruled to not uphold the complaint.”

Looking at the complaint before her, the Chair said the Netsafe “Don’t be a Nick” campaign was designed to discourage the practice of sharing nudes on line without consent. The Chair said the advertisement introduced a typical scenario of a group of friends chatting online, and the use of familiar first names for friends was justifiable in the circumstances.

The Chair said the use of humour in the advertisement was justifiable to target the audience the Netsafe campaign is trying to reach.

While she noted the Complainant’s concerns about the use of the name Nick, the Chair was of the view that nothing in the advertisement could be seen to be likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair said the advertisement had been prepared with a due sense of responsibility and there was no apparent breach of Principles 1 and 2 or Rules 1(c) and 2(e) of the Advertising Standards Code.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.