

COMPLAINT NUMBER	19/002
COMPLAINANT	S Bruce
ADVERTISER	JobList
ADVERTISEMENT	JobList, Radio
DATE OF MEETING	14 January 2019
OUTCOME	No Grounds to Proceed

Advertisement: The JobList radio advertisement says in part: “Meet Steve. This is his favourite cafe and he’s ordered his favourite meal – the triple steak surprise. Unfortunately for Steve the surprise is that you can’t breath steak!” Choking sounds can be heard in the background and a woman’s voice says “Oh my god, he’s choking.” The narration continues saying “As Steve struggles for air he’s realising he’s wasted a lot of his life mowing the lawn. He should have got someone from Joblist.co.nz to do it, because life is too short to do chores...”

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

Complainant, S Bruce, said: The commercial depicts a person choking on steak through sound effect and VO and narrating that his life is flashing before his eyes as he chokes to death he realises someone could have mowed his lawns for him saving him time. The commercial is insensitive to people that have suffered or witnessed a choking incident and has no true direct relevance to the service advertised.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(g);

The Chair noted the Complainant’s concern the advertisement is insensitive to those who have experienced or witnessed a choking incident.

The Chair considered the Advertiser was using a level of humour to support the idea that time is precious and the Advertiser’s website could provide employees to do more mundane activities like lawn-mowing.

The Chair referred to a number of previous Rulings (11/722, 13/456, 14/551 and 18/298) from people who had made similar complaints about advertisements after other real-life events such as the Christchurch earthquakes and fatal car accidents. Those Rulings acknowledged the trauma that people have experienced and the distress certain scenes in the advertisements had caused them. Those complaints had been ruled No Grounds to Proceed as the advertisements did not reach the threshold to cause widespread distress or breach the Advertising Codes.

Turning to the complaint before her, the Chair said from time to time scenarios in advertising do resonate with consumers, for tragic reasons and it would be difficult to mitigate this in every case.

Therefore, while she noted the sincere concerns of the Complainant, she said the advertisement featuring the background sound of someone choking did not reach the threshold to be considered to cause fear or distress without justification.

In light of the above, the Chair said there was no apparent breach of Principle1 or Rule 1(g) 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.