

COMPLAINT NUMBER	19/061
COMPLAINANT	M Bell
ADVERTISER	NZ Transport Agency
ADVERTISEMENT	NZ Transport Agency, Television
DATE OF MEETING	18 February 2019
OUTCOME	No Grounds to Proceed

Advertisement: The NZ Transport Agency television advertisement shows a paramedic, first responder and panel beater posing as used car sales people, explaining the lack of safety features in older second-hand cars to potential customers and their children. The advertisement ends with the tagline “The safer the car, the safer they are.”

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

Complainant, M Bell, said: wish to complain about the new tv ad based in used car sales yard. New Zealand car safety ads are very powerful and get the message across clearly. This ad totally devastates me every time it comes on which is a lot. I feel that the ad is too graphic with details of what can happen to someone in a road traffic accident almost in a flippant manner, jovial manner. No account is taken for how families who have lost loved ones in tragic situations may feel when they see this ad. One of the car sales men in broken english almost jokingly says about how a neck can easily be broken "no more talky talky". My response to this is try being the wife of a wonderful man who died in exactly this way driving a safe vehicle in an accident caused by an unlicensed speeding youth. My daughter also in the accident 3 years on still traumatised by the event, changed my families lives forever. I just feel some consideration should have been given for families such as mine that are directly affected by this ad.

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

The Chair noted the Complainant’s concern the advertisement was too graphic and presented in a flippant, joking tone, which could cause distress to families who had been affected by road accidents and fatalities.

The Chair acknowledged the distress the advertisement has caused the Complainant and others.

The Chair confirmed the advertisement for the NZ Transport Agency was an advocacy advertisement intended to raise awareness about the importance of inexperienced drivers having the safest possible car to drive. The Chair agreed the images could be confronting, however, advocacy advertising is provided for under Rule 2(e) of the Advertising Standards Code and robust expression of opinion is allowed, as long as the advertiser is clearly identified.

The Chair referred to previous Rulings (11/722, 13/456 and 14/551) 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 may cause.

However, in each of those cases, the Chair ruled there were no grounds for the complaints to proceed. The Chair said any unintended similarity in the advertisements to a real-life event was unfortunate but did not reach the threshold to cause widespread offence 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. Whilst the Chair acknowledged the Complainant's point about the humour used in the advertisement to describe a very serious scenario, she said in some instances Advertisers needed to find a light-hearted way to successfully engage with an audience about a hard-hitting message. The NZ Transport Agency's campaign about ensuring young drivers are protected is a good example of this and the advocacy advertising guidelines allow for such confronting content.

The Chair ruled the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society and was not in breach of Principle 1, Principle 2, Rule 1(c) or Rule 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.