

COMPLAINT NUMBER	19/162
COMPLAINANT	A Symonds
ADVERTISER	NZ Transport Agency
ADVERTISEMENT	NZ Transport Agency, Television
DATE OF MEETING	17 April 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for the New Zealand Transport Agency featured two men in a car eating and drinking while driving at a slow speed. The driver was slow to react to the green light change. The driver was distracted by a bike that was making a pizza delivery and crossed onto the other side of the road crashing into an oncoming vehicle. The dazed driver sat in the car having flashbacks to smoking drugs. The onscreen text stated: “Hard to stay focused? Drive straight.”

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

Complainant, A Symonds, said: The advertisement associating a clearly distracted driver, of which any person can be distracted in any way, shape or form. BUT to directly connect distracted driving with cannabis, all before law reform is completely discriminatory.

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

The Chair noted the Complainant’s concern with the scenes showing distracted driving as a result of cannabis use were discriminatory.

The Chair confirmed the NZTA advertisement was an advocacy advertisement intended to raise awareness about the dangers of driving when distracted including under the influence of drugs. Advocacy advertising is provided for under Rule 2(e) of the Advocacy Standards Code, allowing robust expression of opinion, as long as the advertiser is clearly identified.

The Chair referred to a Precedent Decision, 16/067, which noted the Advertiser’s substantiation for a similar advertising campaign and said in part:

“...The Complaints Board then turned to the response from the NZTA and noted where it stated: “Driving under the influence of cannabis is a significant road safety problem in New Zealand, and consequently drug-impaired driving is a high priority in the New Zealand Road Safety Strategy 2010 – 2020. The key objective of the Strategy is to significantly reduce the incidence of drug-impaired driving, with fewer people losing their lives or suffering serious injuries as a result of drugged drivers... Cannabis users don’t think they’re taking a risk when they get behind the wheel of a vehicle. They argue driving stoned is harmless – they’re a bit slow but they believe they can compensate by driving more slowly. Our challenge with this campaign was to flip this belief and get them to see that being stoned and a bit slower on the road is much more dangerous than they realise...”

The Chair said the precedent Decision directly applied to the advertisement and complaint before her given the advertisement highlights the dangers of being distracted while driving.

While the Complainant is correct to say there are other possible distractions, that does not detract from the fact that being under the influence of drugs while driving is a significant road safety problem.

Addressing the Complainant's comments, the Chair noted the Misuse of Drugs Act 1975 currently classifies cannabis as a Class C illegal drug in New Zealand. She noted regardless of any changes in the law relating to cannabis, driving under the influence of alcohol and drugs is likely to continue to be a public health concern and part of road safety advertising.

The Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach Principle 2 or Rules 2(b) and 2(e) of the Advertising Standards Code.

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.