

COMPLAINT NUMBER	19/187
COMPLAINANT	D Bennett
ADVERTISER	2degrees Mobile
ADVERTISEMENT	2degrees Mobile, Television
DATE OF MEETING	20 May 2019
OUTCOME	No Grounds to Proceed

Advertisement: The 2degrees television advertisement displays a number of cartoon images and emoji symbols, including an eggplant, as the voiceover says in part: “Ten years ago New Zealand’s Telcos were acting like eggplant emojis. With mobile plans which were as messy as a dropped pie. Prices were high, contracts were long and data expired like milk...”

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

Complainant, D Bennett, said: I think its crude that 2 degrees is using the eggplant emoji - I did not know this until my daughter asked me what that means by egg plant emoji upon looking it up the egg plant emoji also refers to a mans penis

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

The Chair noted the Complainant’s concern that using an eggplant emoji was crude given its meaning.

The Chair said the advertisement had been given a G (General) rating by the Commercial Approvals Bureau, which meant it may be broadcast at any time. The programme in which the advertisement aired, *The Big Bang Theory*, had been given a PGR (Parental Guidance Recommended) Audience rating and was not targeting at children. The advertisement had played within the constraints of its afforded rating.

The Chair said the Advertiser had used a range of emojis to illustrate its view that legacy telecommunication companies had taken advantage of consumers prior to the introduction of competition.

The Chair said emojis have become a part of the common vernacular and noted that some emojis that have a crude meaning may cause less offense as the word or statement they represent is not overt. The Chair said consumers who were familiar with the eggplant emoji were unlikely to take serious offence to its use in this context, while those who did not know the meaning would not understand the reference.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the illustrations in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair acknowledged the genuine concerns of the Complainant but said in this case the threshold to cause serious or widespread offence had not been reached.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and ruled it was not in breach of Principle 1 or Rule 1(c) 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.