

COMPLAINT NUMBER	19/197
COMPLAINANT	R Ledger
ADVERTISER	Health Promotion Agency
ADVERTISEMENT	Health Promotion Agency Television
DATE OF MEETING	27 May 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement called the Department of Lost Nights is the latest phase of the Health Promotion Agency’s “Say Yeah, Nah” campaign. The story features a man who has too much to drink on a night out with his friends and loses his memories about what happened that night, as a result. The advertisement ends with the text “Stay in your head. Stay in the Night. Say Yeah, Nah...”

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

Complainant, R Ledger, said: “ Alzheimers alertš”

I hate that advert where it's about drinking too much and theirs a track you are about too lose all memories then all memories are lost

It sounds brainwashing. Or your most likely too loose your memory by listening too it or after a hard day of work even if your not drunk. I hate it so much because my grandmother had Alzheimer's and put her in pain after my grandfather died !!!! Why try too make us forget least we forget, plus the sound used in the advert makes the brain feel opposite when people are trying too move forward from trauma and that's why some people drink, you can't use reverse phycology on the mass if you think it's going too work like that. If your got an addiction it's got going too solve it with a simply mind trick, it has become damaging too the public with a negative effect if you think that was your plan and online on YouTube.

Please send this too the American creators I assume.

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 is a painful reminder of the impact of memory loss and trauma which can also be caused by Alzheimers, as well as by excessive drinking.

The Chair said the Advertiser, the Health Promotion Agency, is a Crown entity which aims to promote health and well-being in New Zealand society. There is a clear message in this advertisement that excessive drinking can cause memory loss and the advertisement is an attempt to try and reduce alcohol-related harm. The Health Promotion Agency said over half the 18-44 year olds who saw this advertisement said it helped them to accept others who say no to a drink.

Rule 2 (e) of the Advertising Standards Code allows for expression of opinion in advocacy advertising. Under Rule 2(e) the following must apply:

- Advocacy advertising must clearly state the identity and position of the advertiser

- Opinion in support of the advertiser's position must be clearly distinguishable from factual information
- Factual information must be able to be substantiated

The Chair said the identity of the Advertiser, the Health Promotion Agency, was clearly identified through the "Say Yeah, Nah" campaign and the Health Promotion Agency logo.

The Chair said the position of the Health Promotion Agency is also clear. The advertisement showed excessive drinking causing memory loss. The Chair said the advertisement was intended to educate consumers about some of the harmful effects caused by drinking.

While acknowledging the distress that memory loss and impairment caused by some conditions can cause, the Chair said in the context of advocacy advertising the advertisement did not reach the threshold to cause serious or widespread offence.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and ruled it was not in breach of Principles 1 and 2 or Rules 1 (c) or 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.