

COMPLAINT NUMBER	19/203
COMPLAINANT	R Dixon
ADVERTISER	Spark NZ Ltd
ADVERTISEMENT	Spark Television
DATE OF MEETING	4 June 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Spark NZ and Netflix opens with some shots of orangutans climbing trees. The male voiceover says: “Oh... orangutans, these guys live the dream - not worrying about traffic, the price of avocados...” The female voiceover says “New Zealand’s broadband meets non-stop Netflix”.

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

Complainant, R Dixon, said: Ad is about Orangutans having no worries or cares is totally offensive considering they are classified as threatened and endangered and they are losing their rain forest habitats in the Borneo and Samatra. Spark needs to do their homework....

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

The Chair noted the Complainant’s concerns the advertisement was offensive because it portrays orangutans as carefree when they are an endangered species.

The Chair referred to a precedent decision, 19/014, which was also ruled No Grounds to Proceed. In that case, the Complainant was concerned the advertisement condoned animal abuse as in parts of Asia orangutans are used for prostitution.

The Chair said the Advertiser sought to use a level of humour to encourage customers to book wax treatments at the beauty clinic. While that was offensive to the Complainant, the Chair confirmed that humour and satire are permissible under the Advertising Codes.

The Chair’s view was that advertisement did not reach the threshold to condone violence or cause serious or widespread offence and was not in breach of the Advertising Standards Code.

Turning to the case before her, the Chair said the footage of the orangutans was likely to be a reference to the popular “Our Planet” series which is narrated by David Attenborough, screens on Netflix and features orangutans. This series reminds viewers that many animal species are under threat due to the actions of humans.

The Chair said the voiceover which refers to orangutans as if they share human characteristics and concerns, is using humour to promote the product being advertised.

The Chair said while this advertisement is offensive to the Complainant, it did not reach the threshold to cause serious or widespread offence and 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.