

COMPLAINT NUMBER	19/227
COMPLAINANT	J Plowman
ADVERTISER	NZ Transport Agency
ADVERTISEMENT	NZTA, Television
DATE OF MEETING	1 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The NZ Transport Agency television advertisement shows three different parents helping their children to buy a second-hand car. The three car dealers assisting them point out the safety risks associated with each of the cars being considered. Examples of the comments they make are “this car doesn’t have air bags on the side”, “It’s got a one star rating” “very low protection in a head on-crash and this engine’s going to come all the way up to meet you”. The advertisement ends with the message “The safer the car, the safer they are”.

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

Complainant, J Plowman, said: I am writing about the New Zealand Transport advert regarding teen drivers

The advert plays on Television at all hours of the Day and Night and depicts a car yard where several families are searching to buy a car , the scenario is centered on the car safety where "the salesperson" who is supposed to be former first res ponders and a panel beater .

So a few things are wrong with this advert called The Unsell

1.The advert maker has not given any thought or care regarding the viewer who has lost a loved one in a car accident regardless of age , these viewers would no doubt be straight on the remote not wishing to be reminded about their loved one being "turned inside out" or having their "neck snapped " as is stated in the grotesque advert .

The second is they have blatantly attacked and crucified the car industry to make their point , Many tens of thousands of people are employed in this sector cars sold by car dealers are deemed to be safe and fit for the road with a new compliance for imports and a new Warrant of Fitness for second time round cars , all inspections come under the NZTA authority so why are they warranting supposedly unsafe cars . The manufacturers have given it their best shot when the car was built and the vehicle has passed all of the those countries checks when new.

The car has also survived quite nicely until now being driven by possibly multiple owners of all ages but apparently not suitable for the modern day teen .

DONT BLAME THE CAR BLAME THE DRIVER , The safest car will not protect the driver if the driver is an idiot .Its the same principle as a gun and the owner !

Here are the Statistics

In 2016 325 people died on NZ roads

75 accidents causing death were involved with trucks (23%) of the road toll , 17 accidents resulting in death were caused by Diverted attention (5%), 80 accidents resulting in death

caused by Alcohol or Drugs (28%) , 28 accidents resulting in deaths were caused by fatigue (8%)

67 accidents resulting in death were caused by young drivers aged 15-24 (20%) of the road toll

Of these 325 persons 25 Pedestrians (7%) 5 cyclists (1%) and 52 motorcyclists (16%) were killed on NZ roads

We see that many of the crashes where young lives are lost are drivers fleeing the Police , driving cars that have been extensively modified and speed were contributors . Where are the statistics that should have been in the advert , how is it that a Panel beater has seen a body turned inside out from a car accident ? seriously .

2.NZTA and the Police have focused on the Teen Driver adverts before we all know the strap line " your teen is more likely to have an accident while on their restricted than any other time " So this clearly tells the viewer that the teen drivers are a large part of the problem , lets see the logic in this . Indeed if teen drivers are the problem then why not look at the driving training system that allows a 16 year old to obtain a learners licence just by passing an exam . Sure they are supposed to learn to drive and then go for the next level of licence after six months but in reality most people that do their learners licence will sit on it for many years and take the punt on driving until they get caught .

They seem to forget that we learn valuable lessons in life by buying what we can afford when we were young we drove what we could afford the cars then had no safety features except steel an absence of seat belts and airbags was the norm , my generation wasn't given anything on a plate we learned the value of money , we fixed it when it broke , today's society has lost something by giving everything to teens its obvious there are enough distractions with modern life for them donâ€™t teach them to be completely useless as well .

3. So if the NZTA and Police were really concerned about safety and the rising road toll leave the car dealers and the safety of the car out of it that's just a distraction , call a spade a spade and take a good long look at putting a time limit on learners and restricted licence . take a look at the stats for accidents involving idiot driving which resulted in the making death toll higher

Take a look at the use of cellphones the dramatic rise in immigration , methamphetamine , overseas licence and tourists , the general aggressive driving habits of younger drivers especially trade people in Utes and work vans . Anecdotaly these are the everyday things we see , people indicating wrongly at roundabouts creating mayhem that sadly are our roads today , lets not even talk about pedestrians they have no chance .

But according to the NZTA its OK for an electric scooter to travel at 27km per hour passing a shopfront doorway on the footpath ! while the rider has no helmet and little regard for anyone

I wonder what safety rating those scooters have ?

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

The Chair noted the Complainant's concerns the advertisement is insensitive to viewers who have experienced the trauma of car accidents and is unfairly attacking the car industry by blaming the car rather than the driver.

The Chair acknowledged the possible distress advertisements about road accidents could cause for those unfortunate enough to have experienced one.

The Chair confirmed the advertisement for the NZ Transport Agency (NZTA) was an advocacy advertisement intended to raise awareness about the value 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 and their position is clear. Both of those criteria were met in this case.

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.

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.

The Chair did not consider the intent of the advertisement is to vilify the car industry. She said the Advertiser used a level of humour with exaggerated stereotypes of used-car salespeople being brutally honest about the possible consequences of an accident in an older model car.

The Chair said sometimes Advertisers needed to find a light-hearted way to successfully engage with an audience about a hard-hitting message. The NZTA campaign about ensuring young drivers are protected is a good example of this and the advocacy advertising guidelines allow for this approach.

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(e), Rule 1(g), Rule 2(b) or Rule 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.