

COMPLAINT NUMBER	19/238
COMPLAINANT	D Cleverly
ADVERTISER	NZ Transport Agency
ADVERTISEMENT	Television
DATE OF MEETING	18 July 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, D Cleverly, said: This advertisement is played at a time when children are gathered around the television in New Zealand and depicts two lads having a great time high on drugs. The fact that they crash amounts to 5 seconds of the advertisement with the rest dedicated to promoting drug use, "its fun after all" is the resounding message - for this to make it to air at any time is amazing given the major hiccup in message but for this to play for children is irresponsible. If the Government is pressed to run the ad please do so after children are in bed.

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

The Chair noted the Complainant’s concern the advertisement was promoting drug use and was played when children are likely to be watching.

The Chair confirmed the advertisement for the NZ Transport Agency (NZTA) was an advocacy advertisement intended to raise awareness about the dangers of driving after taking drugs. The Chair agreed drug-taking was shown and this was likely to be an issue outside of the advocacy environment. However, advocacy advertising is provided for under Rule 2(e) of the Advertising Standards Code and confronting imagery in a Government safety message 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 noted the advertisement had been given a GXC (General Except Children) rating by the Commercial Approvals Bureau, which meant it may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The advertisement aired during the programme, *MacGyver*, which has a PG rating (Parental Guidance Recommended). The programme screened on Sky’s Jones! too channel, which screens classic back catalogues of US and UK programming. The Chair sourced the audience composition for the *MacGyver* screening from Sky, who confirmed its audience research sampling data showed that 100% of its sample were 18 years of age or over. The

Chair said this sample audience research showed the Advertiser had endeavoured to target the appropriate adult audience for its message.

The Chair said taking into account context, medium, audience and product, the advertisement and its placement did not meet the threshold to cause serious or widespread offence or offend against generally prevailing community standards.

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.