

COMPLAINT NUMBER	19/260
COMPLAINANT	M Best
ADVERTISER	Hyundai Motors NZ
ADVERTISEMENT	Hyundai Motors NZ Television
DATE OF MEETING	22 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Hyundai depicted a tank of fish which is being filtered with air coming directly out of what appears to be the exhaust pipe of a Hyundai NEXO. The Hyundai NEXO is a hydrogen powered vehicle which is not yet available in New Zealand.

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

Complainant, M Best, said: Hello, I made a complaint few weeks ago regarding Hyundai having an advert showing a man running on a treadmill hooked up via breathing apparatus to the exhaust of a car. The ad was just on, it has changed, the air is now filtering a tank of fish, this is unethical and not right, abuse of animals, no vehicle emits zero emissions. These ads need to stop, the reasoning behind the is wrong, they need to think of other ways to advertise their so called clean air. Animals should not be experimented on, not in tv ads.

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

The Chair noted the Complainant's concerns the advertisement shows abuse of animals because the animals are being used as part of an experiment.

The Chair referred to a precedent decision 19/243, which was Upheld by the Complaints Board. In that decision, the Complainant was concerned about another advertisement for the Hyundai NEXO vehicle. That advertisement depicted an athlete on a treadmill breathing from a tube which was attached to the exhaust of a Hyundai NEXO. The Complaints Board said the advertisement was likely to cause widespread offence and portrays a situation which could encourage a disregard for safety. This is because it presents a well-known method used for committing suicide and suicide is acknowledged as a significant issue in New Zealand society.

Turning to the complaint before her the Chair said the image of the tube going from the vehicle's exhaust pipe to the fish tank is designed to illustrate the point that the emissions from the Hyundai NEXO are harmless.

The Chair noted the Advertiser said the advertisement was filmed in a controlled environment which was created to educate the audience about the clean emissions from hydrogen technology. Under these circumstances the Advertiser is confident the fish are not being harmed by this practice.

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.