

<b>ytkCOMPLAINT NUMBER</b>	19/255
<b>COMPLAINANT</b>	C Sheridan
<b>ADVERTISER</b>	Kiwibank Limited
<b>ADVERTISEMENT</b>	Kiwibank Television
<b>DATE OF MEETING</b>	22 July 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Kiwibank showed several different scenes depicting New Zealanders. One scene showed several women working in a kitchen, one was wearing a disposable polypropylene head covering and two were wearing head coverings made of coloured fabric. At this point in the advertisement the voiceover said: “By banking with us you’re ...backing businesses doing good for Kiwis” As this is being said the text “Ākina Foundation” came on screen. The advertisement ended with the statement “When you’re with Kiwibank you’re not just banking on us, you’re banking on Kiwis.”

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

**Complainant, C Sheridan, said:** In this advert a Muslim woman wearing a headscarf is shown working on a production line. Only the white workers are wearing the legally required hairnets. At the end of the advert the Muslim woman is shown and then the "Kiwi" part of the Kiwibank logo appears, obviously done to make people think New Zealand is a Muslim or Muslim friendly country. So this advert is wrong on at least two levels - everyone has to wear a hairnet on a production line and this is not a Muslim country.

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

**The Chair** noted the Complainant’s concerns the advertisement is misleading because it gives the impression New Zealand is a Muslim or Muslim friendly country and head scarves can be worn on a production line.

The Chair did not agree with the Complainant’s takeout of the advertisement regarding the women featured and the placement of the Kiwibank logo.

The Chair noted Kiwibank is a supporter of the Ākina Foundation, a social enterprise organization that “works with government, corporates, entrepreneurs and philanthropic partners to create a culture that measures and values the power of enterprises and businesses to deliver positive change for our people and the world we live in.”

In response to the question regarding head scarves, the Chair referred to Section 19 of the Food Hygiene Regulations 1974 which state that:

“every person engaged in the manufacture, preparation, packing, or handling of food for sale shall wear—

- (a) a light-coloured, outer overall, or a light-coloured smock worn over clothing; and
- (b) effective apparel, where necessary for the purpose, to restrain his or her hair from

touching any food and food contact surfaces, which shall be a clean, washable, light-coloured head covering or a disposable type head covering:

provided that an inspector may permit the wearing of any alternative clothing that he or she considers appropriate.”

The Chair noted that the regulations say head coverings can be washable or disposable, and alternative clothing can be worn.

The Chair said the advertisement had been prepared with a due sense of social responsibility and was not in breach of Principle 1, Principle 2 or Rule 2(b) 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.