

COMPLAINT NUMBER	20/175
ADVERTISER	Frucor Beverages Ltd
ADVERTISEMENT	V Energy Drink, Television
DATE OF MEETING	11 May 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Frucor television advertisement promotes its signature V Energy drink. The advertisement shows a man lost in the 'procrastination place' when he come across a little monster holding a fry pan. The monster says "You've been procrastinating with lots of food porn... and real porn". The man seems shocked and denies the statement. The advertisement ends with the man drinking a V with a voiceover saying "Make it happen".

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

Complaint: The ad mentioned food porn and then the young guy in the ad had been watching actual porn

Totally unacceptable to mention porn in any ad whatsoever

We were shocked and want this ad taken off any TV viewing platform

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

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The Chair noted the Complainant's concern it was inappropriate for the advertisement to refer to 'porn,' therefore referencing pornography.

The Chair said the placement of the advertisement was an important consideration. She noted the Complainant had viewed the advertisement while watching TVNZ OnDemand.

The Chair confirmed that advertisements served through the TVNZ OnDemand platform use the account holder profile information, such as age and gender when scheduling advertisements. TVNZ OnDemand confirmed the V Energy advertisement was targeted at user profiles who were 18-34 years of age. The Chair agreed this was an appropriate audience for the advertisement's content with the use of the word 'porn'. The Chair also noted the advertisement played during *The Disappearance* which has an M (Mature) rating meaning it is a programme which is likely to contain with adult themes.

As an additional safeguard, TVNZ has indicated it would exclude this advertisement from serving on any G (General) rated programmes regardless of the user profile.

Whilst acknowledging the offense caused to the Complainant, Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the word 'porn' in this context was likely to cause serious or widespread offence in light of generally prevailing community standards.

The Chair said the advertisement had been served to suitable OnDemand age profiles during an appropriately rated programme and was unlikely to cause serious or widespread offence.

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 calendar days of receipt of this decision.