

COMPLAINT NUMBER	20/200
ADVERTISER	Sub180° Entertainment
ADVERTISEMENT	Sub 180° Website
DATE OF MEETING	1 June 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Sub180 website advertisement promotes its 'Never Surrender to the Bender' T-Shirt. The advertisement displays the Sub180 logo along the top of the page followed by an image and purchase details for the product.

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

Complaint:

This product is promoting illegal drug use in excess for its target audience; 18-25 year olds. The phrase used 'Never surrender to the bender' is promoting this. The term bender is commonly understood, especially in the music industry (which the company works in), to mean partying for multiple days without sleep, often fuelled by drugs and alcohol. 'Never surrender to the bender' is then suggesting that people should not sleep and keep partying, this is usually done by abusing drugs.

I'm very involved in the scene and understand that drug use is very common but I think it is very dangerous to push this kind of rhetoric onto younger people who would be exposed to it. It's a dangerous form of peer pressure pushing them to not stop partying and do more drugs. It's not even the drug use itself that I take issue with but this 'bender' attitude to abusing drugs and alcohol that I feel this product is pushing to a young audience.

This isn't something I've ever done before but I'm genuinely worried that someone is going to get hurt or worse from this kind of peer pressure rhetoric being framed as the "cool" thing to do.

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

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

Rule 1(e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

The Chair noted the Complainant's concern the advertisement was promoting illegal drug use which could lead to substance abuse.

The Chair noted the website advertisement for the entertainment promotion company sells the Advertiser's branded products including a T-shirt with the slogan "Never Surrender to the Bender"

The Chair noted the most common definition of the word “bender” is an extended time-span where excessive alcohol or drugs are consumed, often without sleep.

The Advertiser, SUB180°, in response to a request for information on the wording said the word 'bender' is slang widely used throughout the drum and bass community and references a late night at an event - staying to watch all acts rather than just the headliner.

While the Chair acknowledged the Complainant’s genuine concern about the wording on the clothing, she said the Advertising Standards Authority does not have jurisdiction over products and can only consider where and how products are advertised.

In considering context, medium, audience and product, the Chair said the advertisement is on a website likely to be visited by consumers familiar with the drum and base culture being promoted. The advertisement gives factual information about the product for sale showing an image, pricing and the option to purchase, in the style of a price and product advertisement. The wording in the advertisement does not glamourise the T-shirt nor include a sales message condoning irresponsible behaviour.

The Chair said the T-shirt advertisement on the Advertiser’s website did not reach the threshold to breach Principle 1 or Rules 1(e) and 1(h) 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 calendar days of receipt of this decision.