

<b>COMPLAINT NUMBER</b>	20/214
<b>ADVERTISER</b>	McLay Boats Ltd
<b>ADVERTISEMENT</b>	McLay Boats Ltd, Digital Marketing
<b>DATE OF MEETING</b>	1 June 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The McLay Boats digital marketing advertisement on appeared on Stuff, Facebook and the Advertiser's website. The advertisement says McLay Boats is having a COVID-19 winter promotion on all sportsman & CrossXover models. The advertisement has a background of yellow and white stripes. The advertisement is accompanied by a 'click here to find more' button followed by the logo and social links.

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

**Complaint:** Pop up advert on stuff news app on 20/5 about 9.45pm. Using COVID colours for promotion which shouldn't be done.

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

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b) Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**The Chair** noted the Complainant's concerned the advertisement is using the Government COVID-19 branding to promote its product.

The Advertiser was notified about the complaint and responded confirming it was not their intention to undermine the serious nature of the COVID-19 pandemic and they had removed the COVID-19 wording from its website and Facebook campaign as well as any remaining Stuff marketing.

The Chair noted the Advertiser's action in response to the complaint. She observed while the website did feature the yellow and white stripes associated with the official COVID-19 branding, the wording referring to COVID-19 had been removed.

The Chair noted that the Government had not restricted the commercial use of its yellow and white striped branding and that in any event, it would be outside the Board's jurisdiction to enforce any restrictions. The Chair said her role is to consider whether the advertising breach the principles and rules of the ASA Codes.

The Chair said the Advertiser was using the stripes to draw attention to its promotional sale during the decreasing alert levels, but this did not breach 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 calendar days of receipt of this decision.