

<b>COMPLAINT NUMBER</b>	20/270
<b>ADVERTISER</b>	British American Tobacco
<b>ADVERTISEMENT</b>	Vuse, Television
<b>DATE OF MEETING</b>	15 July 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Vuse television advertisement promotes their brand and products. The advertisement shows the vape device being turned while a voice over talks about its "innovative technology", its "ergonomic design" and "international standards". The flavoured cartridges are promoted using bright colours and visuals.

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

**Complaint 1:** VAPE and VUSE use high impact colours and movement in clever advertising to sell a product that contains Nicotine, The adverts verbally and visually endorse their product with words such as Global and International to suggest scientific basis and international endorsement of their product. The warning is so small at the bottom left of the screen its illegible and the impact moving screens with flavours are thrusting cherry/mint/vanilla at the viewer in such a way that the warning about Nicotine is missed. My teenage son saw this advert and asked what it was at it looked cool. These adverts are wrong why am I seeing Nicotine advertising on my TV? It is aired between programs with high interest to young people possibly with low health literacy. This is really poor. Vape and Vuse should not be on my TV screen I do not endorse this product. It is addictive. It is targeting young people and selling a product that harms,.In the health industry it is used possibly to support people to stop smoking. This advert is suggesting it is cool to look at starting. I am offended by it and many of my healthcare colleagues are very disappointed that we are seeing it sold in this way. Please can you block this advertising?  
Are they paying so much money that TVNZ cannot refuse selling addictive substances? Is your targeting between certain programs deliberate to entrap low health literate individuals?

**Complaint 2:** During the viewing of the "High School Mums" programme during two different ad breaks Vuse vapes products were advertised. Once at around 8:55pm and the other around 9:10pm.

Considering this viewing time and the likely audience of teenagers interested in the High School mums topic I think that this vaping ad was specifically targeting this viewing audience. This age group are a vulnerable population and these products containing nicotine cannot to sold to anyone under 18 years. So I don't understand why this ad was deemed appropriate to view during these time slots when teens would be watching the TV programme on then .As a health professional and parent I know that vaping addiction is a huge issue with teenagers in school. Schools and parents are struggling with the escalating issues with teenagers addiction to vaping. The ad content glamourised vaping and was inappropriate to advertise let alone to target a specific teenage viewer watching this programme.

**Complaint 3:** Vaping should not be advertised on TV. It should receive the same advertising treatment as cigarettes and that is zero advertising. The ad did appear after 9pm however children under the age of 25 would still be watching TV at this time and the flavours are

appealing to children and young adults. I am disgusted that these ads appear on television or any platform.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(h); Children and Young People Advertising Code - Principle 1;**

#### **ADVERTISING STANDARDS CODE**

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

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

#### **CHILDREN AND YOUNG PEOPLE'S ADVERTISING CODE**

**Principle 1: Social Responsibility:** Advertisements targeted at children or young people must not contain anything that is likely to result in their physical, mental or moral harm and must observe a high standard of social responsibility.

**The Chair** noted the Complainants' concerns the advertisement played at an inappropriate time given the product being advertised.

The Chair acknowledged the genuine concern the Complainants' had raised but said it is currently legal to advertise vaping products in New Zealand and confirmed the Ministry of Health is the appropriate Government agency to address the Advertiser's ability to advertise the product.

With regards to the placement, the Chair noted the advertisement had been rated S830 by the Commercial Approvals Bureau, which meant it could only be broadcast after 8:30pm.

The Chair noted Complainant 1 and 2 viewed the advertisement played during the PG (Parental Guidance Recommended) rated programme, *High School Mums* which screened after 8:30pm. The Chair confirmed the advertisement had aired within the constraints of its afforded rating.

The Chair also obtained the viewing audience figures for the 23 June 2020 screening of *High School Mums* and confirmed only 5.3% of the audience were under the age of 18. The Chair said the advertisement had therefore been targeted at adult audiences. The Chair said the advertisement had not been directed at minors in the context in which it played.

The Chair noted Complainant 1 also viewed the advertisement during the programme *The Bodyguard* which is rated R16 and played after the 8:30pm rating prescribed by the Commercial Approvals Bureau.

Complainant 3 viewed the advertisement during the programmes *Black Sheep*, which is rated R16 and *The Antique Roadshow*, rated G (General), both of which played after the 8:30pm rating restriction.

The Chair ruled the advertisement had been prepared and placed with the required standard of social responsibility and was not in breach of Principle 1 and 1(h) of the Advertising Standards Code or the Children and Young People's Advertising Code.

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

**Chair's Ruling: Complaints 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.