

<b>COMPLAINT NUMBER</b>	20/427
<b>ADVERTISER</b>	BMW Group New Zealand Limited
<b>ADVERTISEMENT</b>	BMW Mini Electric, Television
<b>DATE OF MEETING</b>	13 October 2020
<b>OUTCOME</b>	Upheld Advertisement to be Removed

### **Summary of the Complaints Board Decision**

The Complaints Board upheld a complaint about a BMW Mini Electric television advertisement which showed a woman about to join exposed electrical wires together. The Complaints Board said the advertisement portrayed a situation which condoned a disregard for safety and had not been prepared or placed with a due sense of social responsibility.

### **Advertisement**

The television advertisement for BMW Mini Electric shows a montage of fast paced shots set to music. The Mini Electric vehicle is shown driving and being splattered with paint. One shot shows a woman holding electric wires in each hand, preparing to connect them.

### **Summary of the Complaint**

The Complainant was concerned the advertisement portrayed a dangerous practice of holding electrical wires together. They said it was especially inappropriate to play this during a film that children are likely to be watching.

### **Issues Raised:**

- Social Responsibility
- Safety

### **Summary of the Advertiser's Response**

The Advertiser defended the advertisement and said the target audience for Mini's first fully electric vehicle was 30+ year old viewers with an interest in new technologies and sustainability. The objective was to raise awareness of the fact this Mini is fully electric.

### **Summary of the Media Response**

The Commercial Approvals Bureau said the G rated motor vehicle advertisement was not formulated with a child audience in mind. It said the one second shot showing very heavily insulated braided cables near contact would be fine for a general audience but had unfortunately been placed during a unique programming period.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### 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(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.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was to unplug the new Mini and have fun with the driving experience of a fully electric powered Mini car.

#### *Does the advertisement encourage or condone a dangerous or unsafe practice?*

The Complaints Board said the scenario in the advertisement with a woman holding what could be live, exposed electrical wires and preparing to connect them did portray a situation which condoned a disregard for safety. The Board said the woman's expression of positive anticipation and the wording accompanying this action which said: "plug and play" could diminish the very real danger of connecting live, exposed electrical wires for some viewers. The Complaints Board said despite the relatively short duration of the scene, it was likely to leave more than a fleeting impression on the viewer given it appeared at the climax of the fast-paced, high energy creative.

The Complaints Board noted the advertisement had been given a G (General) rating by the Commercial Approvals Bureau and had played during the PGR (Parental Guidance Recommended) rated film *Aliens in the Attic* in accordance with its rating. The Complaints Board agreed the electrical wire scene was dangerous irrespective of the likely audience for the advertisement. The Board said the placement of the advertisement in a programme likely to be seen by younger audiences further exacerbated the problematic nature of the action shown in the advertisement.

#### *Has the advertisement been prepared and placed with a due sense of social responsibility?*

The Complaints Board said the portrayal of the dangerous practice of preparing to connect live, exposed electrical wires was not socially responsible, irrespective of the audience viewing the advertisement. The Complaints Board noted advertisers are required to take special care when showing scenarios which could potentially raise safety issues.

The Complaints Board said the advertisement was in breach of Principle 1 and Rule 1(e) of the Advertising Standards Code.

### Outcome

The Complaints Board unanimously ruled the complaint was **Upheld**

Advertisement to be removed.

#### 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.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT

aliens in the attic 2020-09-12 8 pm approx

Complaint Details: The advert shows a women holding to electric wires and about to put them together. If a child did this there would be serious consequences. It is inappropriate that this should be part of any advertising. Children would have been watching the movie.

### Appendix 2

#### RESPONSE FROM ADVERTISER, BMW GROUP NEW ZEALAND LIMITED

BMW New Zealand Limited wishes to respond to complaint 20/427 and defend it. The complaint in question is at the eight second mark of the [15 second ad](#) and lasts for a second.

The TV advertisement is still accessible until Saturday 24 October. For further details on where the advertisement is placed, refer to the attached PDFs:

- MINI Electric Hatch Media Schedule.pdf
- MINI Electric Hatch NZ Spotlist.pdf

The CAB key number is 00824014 with a G rating. Script is also attached, see 'MINI Electric Hatch NZ Script.pdf'.

Our target audience is 30+, both genders, metropolitan based across New Zealand. High disposable income with an interest in new technologies and sustainability. Our media agency also use TVMAP which is fuelled by Nielsen historical viewing data to target this audience.

The product featured in the advertisement is MINI's first fully electric vehicle. To our target audience it can be difficult to convey this vehicle is different to a normal petrol powered MINI. Apart from different alloy wheels, no visible exhaust and subtle colour trims it is almost identical to its petrol powered counterpart. Our objective of this advertisement was to raise awareness that this vehicle is fully electric.

The MINI brand is cemented around being unexpected and the iconic go-kart feeling whenever you get behind the wheel of one. This creative was developed from the unexpected and always standing out from the sea of sameness. MINI is a quintessentially urban brand, charged by the city and its people, and in turn this advertisement will work to charge our urban tribes. Playing on this claim, we aimed to build an advertisement that is electric by nature, bursting with energy, and with that iconic go-kart feeling. It's why throughout the advertisement there are references to things are that electrical in nature.

This advertisement was aimed to charge heightened moments from the fun to the epic and create the sparkle in the eye of our audience, delivering what only MINI can.

It is for these reasons why we defend the complaint. Should you require further information, please don't hesitate to contact me.

**Appendix 3****RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU****Complaint 20/427    BMW NZ    Key number MINI015BEVUP    Classification G**

This commercial was approved by CAB on 24/08/20 with a 'G' general classification and is categorised as a Motor Vehicle advertisement.

The commercial shows a rapid montage of images relating to movement, energy, and a new model of electric car.

A complainant has raised issue with a 1-second shot within that montage showing very heavily-insulated, braided cables near contact.

Within the scope of television advertising, very few car commercials are formulated with a child-aged target audience in mind. What an adult perceives as merely imagistic, a child may not recognise as illustrative. Whether either of these responses occur within a single-second timeframe may be moot.

In CAB's opinion this commercial is fine for a general audience, but has unfortunately been placed during a unique programming period. We do not believe the complaint should be upheld, but settled due to the one-time nature of this placement.