

COMPLAINT NUMBER	20/501
ADVERTISER	Energy Online
ADVERTISEMENT	Energy Online Television
DATE OF MEETING	28 October 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Energy Online. The Board said the advertisement did not contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property. The Board said while the horse was initially reluctant to be led by its new owner, it was not mistreated.

Advertisement

The Energy Online television advertisement shows a man talking to his neighbour as he prunes his hedge. The man says “Guess what, I’ve just bought me a flash thoroughbred racehorse ... Whopping Big Horse, that’s a good name for it...” As he says this the two men turn round to see a miniature horse being led out of a horse trailer. When the new owner tries to lead his new horse away, the horse initially appears reluctant to follow him.

Summary of the Complaint

The Complainant was concerned the advertisement showed a miniature horse being pulled in a manner that appeared aggressive and like animal abuse.”

Issues Raised:

- Social responsibility
- Violence and anti-social behaviour

Summary of the Advertiser’s Response

The Advertiser defended the complaint and said the miniature horse was treated with the utmost respect and care at all times. The Advertiser provided letters of support from both the owner and the trainer of the horse.

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(f) Violence and anti-social behaviour: Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 20/127, which was ruled No Grounds to Proceed.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 20/127 concerned a television advertisement for Meadow Fresh milk shows a girl going to the local dairy by herself to buy milk, while her parents wait at home. On her way to the shop the girl picks up a stick and runs it along a fence. A dog barks, which seems to startle the girl. She returns to running the stick along and continues her journey to the dairy.

The Chair of the Complaints Board said the fleeting image of the girl running the stick along the fence was part of the narrative arc of her journey to the dairy on her own for the first time. The Chair noted the girl seemed oblivious to fact there was a dog behind the fence shown by the way she jumps when it barks. Although the girl does continue to run the stick along there is no further barking from the dog which would constitute “teasing.” The Chair ruled the child’s action was incidental to the overall message of the advertisement.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was when you sign a contract with Energy Online you will get what you pay for, not something you weren’t expecting.

Does the advertisement contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property?

The Complaints Board said the advertisement did not contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property. The Board said while the miniature horse was initially reluctant to be led by its new owner, it was not being mistreated.

The Complaints Board said the advertisement was intended to be humorous and the unexpected delivery of the miniature “thoroughbred racehorse” was an integral part of the comedic effect. The Board said the fact that the miniature horse appeared initially uncooperative and perhaps a little head strong added to the humour of the situation.

The Board noted the following comment in the response from the Advertiser: “The director wanted the horse to come across stubborn and not lead when asked. A trick they do is the

actor holds the halter with one arm firm while pulling his other arm to give the impression he is pulling when in fact he's not." The Complaints Board accepted that was what had occurred in the filming of the television advertisement.

Is the advertisement socially responsible?

The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rule 1(f) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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.

APPENDICES

1. Complaint
 2. Response from Advertiser
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Appendix 1

COMPLAINT

TVNZ on demand Survivor 2020-10-03 10.25pm

Complaint Details:

A man in the advert pulls a miniature horse in an aggressive manner that looked like animal abuse.

Appendix 2

RESPONSE FROM ADVERTISER, ENERGY ONLINE

Further to your recent email I can confirm we wish to defend Complaint 20/501.

My team and I were present throughout the shoot and maintain the miniature horse that featured was treated with the utmost respect and care at all times by both crew and actors.

Furthermore, please find attached letters of support from the key personnel responsible for animal welfare on the day.

Chelsea Thorogood – Horse Owner
Wayne McCormack – Horse Trainer

As both of these experts attest, our horse Fan was not mistreated or forced into a performance at any stage of the shoot.

Please advise if you require anything further as part of our submission.

Letters of Support:

Letter One

To whom it may concern,

I am the owner of the miniature horse in the Energy Online commercial. His name is Fan, he is a stallion and I have had him for approximately 12 years. This was his first time in front of TV cameras, but he is well socialised going to kids parties and modelling for the occasional horse magazine.

He is a much-loved pet of mine and I would not put up with any ill treatment. The director wanted the horse to come across stubborn and not lead when asked. A trick they do is the actor holds the halter with one arm firm while pulling his other arm to give the impression he is pulling when in fact he's not.

There was a very experienced horse trainer on set who took charge of what the horse needed to do. He was very professional and helped with what the production were asking of the horse but acted on the horses best interest at all times.

My mum even came along to watch my little man for his first commercial, everyone on set found him adorable. It was a great morning and we certainly did not come away thinking he had been ill-treated in any way. We watched the whole time and there was no force to make him do anything. He was treated like the star he is.

Happy to answer any further questions.

Letter Two

To whom this may concern,

I was a wrangler in wardrobe as well as the horse trainer on the Energy online commercial filmed in New Zealand last year.

I was asked to supply a miniature horse that was trying to mock a Thoroughbred Race Horse.

I supplied a well-mannered little miniature called Fan he's very socialised, the horse has done lots of social events before this.

His owner [...] also came along to help as Wrangler's for the day.

It was a very simple straightforward shoot I ended up unloading the pony out of the back of the trailer and leading him over to the actor.

The director asked us to mock up like the little pony didn't want to lead and to look like he was being stubborn.

This is very easy to achieve, you hold the horses halter with one hand and pull the rope with the other so you are really only pulling the rope. This makes it look like the little pony was stubborn and making him move his head at the same time with your left hand.

This little pony was treated well and the actor was very respectful of little Fan and took great direction of what the director was wanting to accomplish at no time was he abused in anyway he had water and feed on set at all times.

This little guy is a well loved family pet things have been taken out of context unfortunately.

He was not harmed or ill treated in anyway.