

COMPLAINT NUMBER	20/555
ADVERTISER	Azerbaijan Diaspora in NZ
ADVERTISEMENT	Azerbaijan Diaspora in NZ, Billboard
DATE OF MEETING	4 November 2020
OUTCOME	Settled – Advertisement Removed

Advertisement: The billboard advertisement says, "Karabakh is Azerbaijan! STOP The Armenian occupation and aggression".

The Chair ruled complaint was Settled.

There were 58 Complaints in total for the billboard raising issues about truthful presentation and offensiveness.

Primary Complaint: I am issuing this complaint as a deeply saddened and distressed member of the New Zealand Armenian community. As you may be aware, Azerbaijan commenced an all-out attack on Artsakh and Armenia on Sunday 27th September 2020, supported by Turkey. Media 5 has allowed the commission of anti-Armenian billboards on 74-76 Cuba Street, Wellington (W070), and 191-201 Thorndon Quay Wellington (W143 or W142).

Given the war situation, these advertising billboards include offensive, misleading and incorrect statements against Armenia and Armenians, which adds further to the pain and agony Armenians in New Zealand feel at the loss of their relatives and loved ones in Armenia. The capital and villages are being shelled daily by Azerbaijan with the use of illegal cluster weaponry killing and wounding many innocent civilians. The events occurring in Artsakh/Nagorno Karabakh are being categorised as ethnic cleansing and genocide of the Armenian people of Artsakh. On 25 October 2020, Genocide Watch issued Genocide Emergency Alert due to Azerbaijan's aggression against the Armenian Republic of Artsakh (please refer to this link for further information). Media5's engagement in this billboard commissions is not only disturbing but as your website suggests Media5 offers consultation and design as part of your services, deliberating engaging in a foreign dictatorial power spreading misinformation and anti-Armenian propaganda in New Zealand's capital city. This is highly in poor taste for any company to participate in.

We consider that Media5 is taking blood and oil money to advertise incorrect information to the New Zealand Wellington public. We believe this is a clear breach of rule 2(b) of the ASA Code, which states that 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. We urge the ASA to investigate this complaint further.

The end goal is for Media5 to take down the billboard immediately, ceases to engage with these types of commissions in the future, and issues an apology to the distressed and heavily impacted New Zealand Armenian community. It is totally against the ASA Code, let alone

allowing advertising from sources that are offensive, divisive, and use blood money to pay Media5 fees for service.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(a), Rule 2(e);

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

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

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

Rule 2(a) Identification: Advertisements must be identified as such.

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.

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

The Chair noted the Complainant's concern that the advertisement was offensive and misleading to Armenia and Armenians.

The Chair accepted the complaint to go before the Complaints Board for adjudication as to whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers and Media platforms have the option of amending or removing their advertising to comply with the Advertising Codes.

Upon receipt of the complaint, the Media elected to remove the advertisement and agreed to not use it again in its current form.

Given the Media's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

Chair's Ruling: Complaint **Settled- Advertisement 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.