

COMPLAINT NUMBER	20/570
ADVERTISER	Noel Leeming
ADVERTISEMENT	Noel Leeming, Television
DATE OF MEETING	16 November 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Noel Leeming television advertisement promotes their various gifts and gadgets available for the Christmas season. The shop assistant is asked to wrap various products such as a hair dryer, stick vacuum cleaner and toy robots. As he plays around with the gadgets, he uses the Google Assistant function and asks “Hey Google, what time is it?” He checks the response against the three watches he has on his wrist.

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

Complaint: The ad clearly states "Hey google" and asks a question, which they know, and it does, trigger every google smart device in someone’s house. I have 10 such devices in the house which includes smart speakers, smart displays and chrome cast which all respond to the advert.

This is not only highly annoying, but also a deliberate attempt to trigger these devices.

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

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.

The Chair noted the Complainant’s concern the advertisement is annoying and deliberately trying to trigger smart devices.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be the Advertiser was promoting the technology on offer in the products for sale.

The Chair said the triggering of the smart devices in the Complainant’s home was an unintended consequence of the language used in the advertisement. Whilst she acknowledged it was annoying for the complainant, it did not reach the threshold to breach the Code.

The Chair said the advertisement was unlikely to cause serious or widespread offence and was not in breach of Principle 1 or Rule 1(c) 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.