

COMPLAINT NUMBER	21/029
ADVERTISER	New Zealand Government
ADVERTISEMENT	Covid-19 Unstoppable Summer, Radio
DATE OF MEETING	1 February 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Ministry of Health radio advertisement promotes the Bluetooth function of the NZ Covid tracer app. The advertisement begins with the sound of people at the beach. This noise suddenly stops and a woman's voice says "Summer's just stopped. You got your Bluetooth on?" A man replies "Ah, Bluetooth!" The sound of summer resumes. The voiceover says "Turn on Bluetooth to make summer unstoppable. Unite against Covid-19."

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

Complaint: I would like to complain about the false information contained in the government covid tracing advert. This advert tells people they need to turn on their bluetooth on their phone for the covid tracing app to work. This is incorrect on android at least, as the app requires GPS to be turned on, if the GPS is turned off this app stops working.

I believe this is a breach of Rule 2 (b) Truthful presentation, this could be highly misleading to older people who aren't in the know.

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

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

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 the advertisement is misleading to say Bluetooth feature needs to be turned on for the Covid tracer app to work.

The Chair carefully reviewed the advertisement and said the likely consumer takeout is the advertisement promotes Bluetooth technology as another tool to help limit the potential spread of COVID-19 and allow summer activities to continue.

The Chair noted the following information from the official COVID-19 website: <https://covid19.govt.nz/updates-and-resources/latest-updates/bluetooth-tracing-added-to-the-nz-covid-tracer-app-to-boost-contact-tracing/>

“The NZ COVID Tracer app has been updated to include Bluetooth tracing technology. Bluetooth tracing allows you to receive an alert if you have been near another app user who tests positive for COVID-19.

Bluetooth tracing is not intended to replace our existing contact tracing processes or the NZ COVID Tracer QR codes. You still need to scan QR codes to keep track of where you’ve been. Bluetooth tracing is an added tool — it helps keep track of the people we’ve been near.

When you enable Bluetooth tracing, your privacy is always protected — it cannot share your location, your name or anything else about you. All the contact tracing information you collect with the app is held securely on your phone, and it’s always your choice what information you choose to share.”

The Chair acknowledged the Bluetooth tracing technology did not work on older Android phones but she said this limitation did not make the advertisement misleading.

The Chair said the advertisement was not in breach of Principle 2 or Rules 2(b) and 2(e) 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.