

COMPLAINT NUMBER	21/059
ADVERTISER	Foodstuffs NZ
ADVERTISEMENT	PAK'nSAVE Television
DATE OF MEETING	15 February 2021
OUTCOME	No Grounds to Proceed

Advertisement: The voiceover for the PAK'nSAVE television advertisement features Stickman saying "Christmas seems to sneak up on me every year. Before I know it I've got a house full of hangry rellies but the cupboard is bare. But old man Christmas won't catch me this year, I've got a restraining clause on him. With the PAK'nSAVE Christmas Club put a little aside throughout the year. The sooner you start the more you save..." As Stickman walks down the street, "Santa" is seen following him. When he refers to the "restraining clause" he produces his PAK'nSAVE Christmas Club card.

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

Complaint: The PaknSav advertisement refers to restraining orders in jest. I see this as ridiculing domestic violence and totally inappropriate denigrating any person who has needed protection orders. This advert needs to be removed and the advertiser notified of their use of offensive references.

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 was offensive.

Rule 1(c) of the Advertising Standards Code requires the Chair to consider whether the reference to a restraining clause on Father Christmas, in this context, was likely to cause serious or widespread offence, in light of generally prevailing community standards. The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause serious or widespread offence, for most consumers.

The Chair referred to a precedent decision, 20/170, about a different PAK'nSAVE television advertisement, which was also ruled No Grounds to Proceed. This advertisement featured Stickman playing the part of a customs officer saying to a cartoon tin can "I'm going to need to conduct a search, step behind this curtain please". As he says this, the sound of him pulling on a rubber glove is heard. The Chair said the Advertiser's humorous portrayal of the "Stickman" playing the part of a customs officer did not reach the threshold to cause serious or widespread offence.

The Chair said the reasoning in the above precedent applied to the complaint currently before her.

The Chair noted that while the advertisement referred to a “restraining clause” (not a “restraining order¹”), Stickman is concerned about Christmas sneaking up on him.

The Chair said the advertisement is a humorous play on words and it offers a way to avoid additional stress at Christmas time, by saving with the PAK’nSAVE Christmas Club.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and said it 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.

¹ Ministry of Justice website: “You can apply for a Restraining Order if you are being harassed by another person”