

COMPLAINT NUMBER	21/075
ADVERTISER	Waka Kotahi /NZ Transport Agency
ADVERTISEMENT	Waka Kotahi /NZ Transport Agency Television
DATE OF MEETING	1 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Waka Kotahi/ NZ Transport Agency showed a couple inspecting a car for sale. The inside of the car was in disarray. The vendor explained by saying: "This is a one star safety rated car - people don't often think about how a car will crash and how it will protect you, that's what a star safety rating tells you." The advertisement ends with the text The more stars the safer the car - rightcar.govt.nz.

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

Complaint: I would like to lodge a formal complain to an advertisement which comes on TV channels on behalf of an advertiser broadcaster under the web domain www.rightcar.govt.nz regarding the star category on various cars highlighting the safety issue.

I find the advertisement totally misleading and it creates a sense of fear and guilt among people who are buying used cars or have already bought and also new cars.

My reasoning is based on following

1 The advertiser use the web domain www.rightcar.govt.nz this kind of web address gives the impression that advertisement is on behalf of New Zealand Govt and it should be taken seriously.

For a long time i was under this impression and i am well educated business person.

2 The advertisement also gives the impression that New Zealand allows the import of unsafe cars which is not true at all.

3 To create this kind of confusion and guilt among potential buyers of cars, the advertiser is trying to create an impression that any car which carries star rating decided by a company justifies a safe car, which is not true.

Based on above reasons , i would like you to intervene on this issue so that consumers are not blackmailed by this kind of advertising.

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 was misleading.

The Chair referred to a precedent decision 20/061, which was also ruled No Grounds to Proceed. This decision concerned a similar complaint about the same advertising campaign promoting car safety. The following is an excerpt from that decision:

The Chair noted that the New Zealand vehicle safety rating system is derived from three sources: ANCAP (Australian New Car Assessment Program), Used Car Safety Rating and Vehicle Safety Risk Rating. Further information about these rating systems can be found at <https://rightcar.govt.nz/#/safety-ratings>

The Chair said this is an advocacy advertisement from the New Zealand Transport Agency and was intended to educate consumers about the safety rating system for vehicles and to encourage them to consider this when buying a new car.

The Chair said the advice from the Advertiser is: If you are in an accident, you'll be safer in a car with a higher safety rating, ie more stars.

The Chair said in the context of an advocacy advertisement encouraging buyers to think about safety, the advertisement was not misleading.

The Chair said the precedent decision applied to this complaint.

The Chair noted that the Rightcar website is provided to help vehicle buyers choose safer, cleaner and more economical cars. It is administered by Waka Kotahi NZ Transport Agency, which is a Government agency.

The Chair said the advertisement encourages prospective car buyers to give serious consideration to the safety rating of any car they might be considering.

The Chair said the advertisement was not likely to mislead and had been prepared with a high standard of social responsibility.

The Chair ruled it was not in breach of Principle 2, Rule 2(b) or Rule 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.

