

COMPLAINT NUMBER	21/130
ADVERTISER	Spark NZ Ltd
ADVERTISEMENT	Skinny, Television
DATE OF MEETING	15 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Skinny television advertisement features a family with pixelated heads sitting around discussing how they don't pay for their internet connection and they steal their neighbours. The advertisement also features an older man who the family 'stole' from the park.

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

Complaint 1: Skinny advertised people claiming to have stolen their broadband service. Skinny is either supporting/condoning theft or encouraging people to steal.

Complaint 2: I am complaining further about the Skinny ad on a theme of stealing broadband, featuring depictions of a family with stockings over their heads and an apparently homeless man who was "stolen from the park", that was the subject of Complaint number 21/015. Despite the statement in your decision "The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaints" this advertisement continues to be broadcast, including this morning, 25 February 2021, at 6:42am on TV1. In addition to the grounds of complaint apparently previously considered, this is clearly in breach of the Advertising Standards Code 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 . . . Advertisements must not exploit, degrade, denigrate, demean or objectify any person or group of people or any products, services, objects or places." At 0:16 seconds there is an appearance of a stereotypically portrayed elderly homeless man, who says the line "stole me from the park", followed by laughter. Homelessness is a serious social issue, even a crisis in Aotearoa, which is frequently discussed on your programme. It is not a joke. It is outrageous that a company can broadcast an advertisement like this. I therefore submit a further complaint and request the Authority to further consider this.

Complaint 3: I have previously complained about the Skinny Broadband advert, complaint number 21/015. Of the family and child sitting in there lounge joking and laughing about stealing their neighbour's broadband and stealing a man from the park which set a bad example to children implying it was ok to steal and kidnap. The reply I received from the meeting dated 1/2/21 lead me to believe the advert had been removed from television. Tonight I see the same advert again at a time when children are still watching but this time with the actors faces blurred out. The advert still talks about stealing and kidnapping. I am dismayed and extremely disappointed to see this advert back again when the complaint outcome clearly stated "The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaints." Blurring out the actor's faces does not lessen the impact of the stealing and kidnapping only preventing the viewers from seeing the stockings on the faces. The danger that children could copy this with plastic bags on their faces has been addressed but the inappropriate acts of stealing and kidnapping clearly

hasn't. Why was this advert allowed to air again? I feel that Skinny hasn't taken this complaint seriously and has made a pathetic attempt to rectify their inappropriate advert. I am also very disappointed that my original complaint and the complaints of others hasn't been taken seriously especially when the reply I received stated that the advert had been removed.

Complaint 4: The Advertisement makes "light" of theft and kidnapping. Being a retired Corrections Officer, I've dealt first-hand with the results of people thinking it their "right" to help themselves to something they want without paying for it. It also promotes that it's OK to kidnap whoever they wish without ramifications for their actions. Both of what they use to promote their services are unlawful. The other part of the advertisement that I find abhorrent is that their faces are covered by stockings. How do you think people such as Dairy owners feel, when they are reminded of when they were robbed by masked thugs, each time they see this advertisement. I believe that this advertisement should be banned from our airwaves, and Skinny issue a public apology for their lack of taste and public concern.

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.

Rule 1(f) Violence and anti-social behaviour: Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

Preliminary Matter

The Chair noted the Advertiser had settled complaints about the actors wearing stockings on their heads by removing that version of the advertisement. The Settled Decision (21/015) is available on the ASA website, www.asa.co.nz. The Chair said the new version before her contained pixilated images where the stockings had been and therefore she needed consider the issues of stealing and kidnapping raised by complainants in relation to the new advertisement.

The Chair noted the Complainants were concerned the advertisement made light of the issue of stealing and kidnapping which was socially irresponsible.

The Chair said the likely consumer takeout of the advertisement would be the Advertiser was promoting the affordability of its broadband plans by suggesting their internet offers were "a steal". The Chair said the whole tone of the advertisement was hyperbolic, with the Advertiser using a metaphor to make a point about its competitive pricing.

The Chair said the reference to stealing the neighbour's internet appeared to refer back to a time before unlimited access, free WiFi and protected passwords.

The Chair said the farcical nature of the advertisement was reinforced by 'kidnapping' a man from the park. The Chair said there was no mention of him being homeless and the scene did not contain any malice with the man happily joining in the conversation about the low price and laughing along with the rest of the family.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of humour and hyperbole in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair acknowledged the

Complainants' concerns but said in this case the threshold to cause serious or widespread offence had not been reached.

Rule 1(f) required the Chair to consider whether the advertisement condoned or showed anti-social behaviour. The Chair said that given the farcical nature of the advertisement she said it was unlikely consumers would consider it was condoning the anti-social practice of stealing, but rather was using humour to make the point that the Advertiser's prices were so competitive there was no need to steal.

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 said the advertisement had been prepared with the due sense of social responsibility required and said it was not in breach of Principle 1, Rule 1(c) or 1(f) of the Advertising Standards Code.

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

Chair's Ruling: Complaints **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.