

<b>COMPLAINT NUMBER</b>	21/051
<b>ADVERTISER</b>	Eternity Media Productions Ltd
<b>ADVERTISEMENT</b>	The Incredible Journey Television
<b>DATE OF MEETING</b>	23 March 2021
<b>OUTCOME</b>	Upheld Advertisement to be removed

### **Summary of the Complaints Board Decision**

The Complaints Board upheld a complaint about a television advertisement for The Incredible Journey, a donor funded evangelistic ministry. The Board said the documentary-style content had not been adequately identified as an advertisement.

### **Advertisement**

The Incredible Journey television advertisement titled "Man of the Millennium: Martin Luther" was shown at 9am on a Wednesday morning and ran for 28 minutes and 30 seconds. The advertisement was presented by Gary Kent. The voiceover for the advertisement opened with "Five hundred years ago an event took place here that shook the world and changed the course of human history. A young German monk strode to this door and challenged the power and authority of the most powerful empire on earth..." The advertisement presented information about the life of Martin Luther. A free book called "The Incredible Journey with Gary Kent" was also promoted.

During the advertisement the name The Incredible Journey was mentioned regularly, sometimes alongside the Facebook icon, the YouTube icon, the text "FREE offer – THE MAN OF THE MILLENNIUM Booklet", the name and logo for "Tij.tv", or the Australian and New Zealand addresses and phone numbers.

### **Summary of the Complaint**

The Complainant was concerned the advertisement represented itself as a documentary style television programme and did not make it clear to viewers that it was an advertisement for a religious organisation called "The Incredible Journey".

### **Issues Raised:**

- Truthful presentation
- Identification
- Advocacy advertising

### **Summary of the Advertiser's Response**

The Advertiser defended the advertisement and said: "Throughout the program, it is obvious that the program contains advertisement for The Incredible Journey and that it satisfies ASA's guidelines on identification of advertisements."

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the Advertising Standards Code:

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

**Rule 2(a) Identification:** Advertisements must be identified as such.

**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.

### Guideline for Rule 2(a)

Content controlled, directly or indirectly, by the advertiser must not be disguised as something other than an advertisement. It must be obvious to, and well understood by, the audience that they are engaging with an advertisement regardless of the form the advertisement takes or the platform where it appears.

### Guidance Note on Identification of Advertisements

#### 2.2 Use of Advertisement 'Identifiers'

When it is not obvious that content is an advertisement such that the audience may need some form of 'identifier', the following examples may be appropriate. They include (but are not limited to) use of the following words / labels and the suitability of each one will depend on the platform or medium used; 'Advertisement', 'Advertisement Feature', 'Advertorial', 'Promotional Feature', 'Paid for Ad', 'Ad Link', boxed or highlighted content labelled as advertising or shortened labels such as Ad, Advert or Advertisement (with or without hashtags), an obvious "call to action" such as 'phone now' or 'go to website for more information / to order now', 'brought to you by'.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 20/192 and 20/543, both of which had been ruled No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 20/192** concerned a television advertisement for the Living Church of God organisation which referred to the origins of Satan and promoted a DVD called "The Occult and the Spirit World". The Complainant was concerned the content of the advertisement was inappropriate for children who might be watching at 9.00am on a weekday morning.

The Chair of the Complaints Board said the advertisement had met the criteria for an advocacy advertisement. This is because the identity of the Advertiser had been repeated numerous times throughout the advertisement, including the tommorrowworld.org website address and an address and telephone number for the DVD offer. The Chair said the Advertiser's message was also clear. The Chair considered the nature of the infomercial was apparent from the outset.

### **Complaints Board Discussion**

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was this is a documentary about a historical figure, Martin Luther. There is a free book available.

#### *Has the advertisement been adequately identified as an advertisement?*

The Complaints Board agreed the advertisement had not been adequately identified as an advertisement. The Board noted the TVNZ television schedule did not classify the advertisement as an "Infomercial" or advertisement, but simply included the title "The Incredible Journey - 09.25am". The Board noted The Incredible Journey is also the name of a much-loved children's book by Sheila Burnford.

The Complaints Board said the style of the advertisement was very much like an historical documentary, and noted the following comment by the Advertiser:

All TIJ television programs are documentary style programs covering various topics including, history, archaeology, health and wellbeing, interesting personalities, historical characters from countries around the world at different times in history, and the like.

The Complaints Board said that it was not obvious to, and well understood by, the audience that they are engaging with an advertisement. This is because the content and style of the presentation did not make it clear that it was an advocacy advertisement for a religious organisation, as opposed to a history documentary.

The Complaints Board said the name, The Incredible Journey, is mentioned throughout the advertisement, sometimes alongside the Facebook icon, the YouTube icon, the text "FREE offer – THE MAN OF THE MILLENNIUM Booklet", the name and logo for "TiJ.tv", with Australian and New Zealand phone numbers and addresses was not sufficient to make it clear that the programme was an advertisement.

The Complaints Board said this advertisement differed from precedent 20/197 because it was clear from the outset of that advertisement that it was a religious advertisement, with mention of religion and Satan in the first sentence.

The Complaints Board said the current advertisement was in breach of Rule 2 (a) of the Advertising Standards Code.

#### *Did the advertisement fit the definition of Advocacy Advertising?*

The Complaints Board agreed the advertisement did not fit the definition of advocacy advertising. This is because the style and content of the presentation did not make it clear it was advocacy advertising.

The Complaints Board said the advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 2, Rule 2(a) and Rule 2(e) of the Advertising Standards Code.

**Outcome**

The Complaints Board ruled the complaint was **Upheld**.

Advertisement to be removed.

**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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT

Religious infomercial/advertisement representing itself as a documentary style (35 minute long) television programme which did not make clear to viewers throughout that it was an advertisement for the organisation "The Incredible Journey" and which concluded by encouraging members of the public to join its religious organisation. No disclaimer was visible for the majority of the "programme" and being advertised as a stand-alone 35-minute long television spot was misleading as it was reasonable to believe that as this was not an "infomercial spot" that it was a legitimate television programme. Breach of Rule 2(a).

### Appendix 2

#### RESPONSE FROM ADVERTISER, ETERNITY MEDIA PRODUCTIONS LTD

We thank you for the recent extension given to The Incredible Journey in order to put forward a response to complaint 21/051.

The following information is given below:

1. Attached is a PDF letter outlining our response. TIJ does not wish to settle the complaint. TIJ wishes to defend the complaint.
2. TIJ believes the complaint is unsubstantiated and that principle has not been breached.
3. A digital copy of the broadcast version of the program can be accessed here, <https://youtu.be/6TGBvb0H5Q4>.
4. The program is still accessible on our website (<https://tij.tv/shows/man-of-the-millennium-martin-luther-2>) and YouTube channel (<https://youtu.be/6TGBvb0H5Q4>). The program is available permanently.
5. The program is placed on NZTV (TV2 and First Light Broadcasting Network, TIJ's website (see response 4), TIJ's YouTube Channel (see response 4) and Facebook page (<https://www.facebook.com/TheIncredibleJourneyMinistry/>)
6. Copy of the script is included in Appendix 1.12
7. A copy of the media schedule is in Appendix 1.13. CAB Key number is **TIJ/M30/1101** and rating is GXC.
7. The target audience is: all New Zealanders.
8. We believe that the complaint is unsubstantiated. Appropriate substantiation is included in the attached response.

**Re: The Incredible Journey Television - Complaint 21/051**

Religious infomercial/advertisement representing itself as a documentary style (35 minute long) television programme which did not make clear to viewers throughout that it was an advertisement for the organisation "The Incredible Journey" and which concluded by encouraging members of the public to join its religious organisation. No disclaimer was visible for the majority of the "programme" and being advertised as a stand-alone 35-minute-long television spot was misleading as it was reasonable to believe that as this was not an "infomercial spot" that it was a legitimate television programme. Breach of Rule 2(a).

Thank you for writing to us at The Incredible Journey, advising us of this recent complaint regarding The Incredible Journey (TIJ) episode *Man of the Millennium: Martin Luther*, aired on TV2 on Wednesday, 30 December 2020.

As per your advice, the relevant section(s) in the Advertising Codes appears to be: *Advertising Standards Code - Principle 2, Rule 2(a), Rule 2(e)*.

**The Incredible Journey wishes to defend the complaint.**

In response to the complaint, it is important to address the points of this complaint:

1. *Religious infomercial/advertisement representing itself as a documentary style (35 minute long) television programme which did not make clear to viewers throughout that it was an advertisement for the organisation "The Incredible Journey"*

**Response 1:**

The Incredible Journey (TIJ) is a weekly 28.5 minutes long TV program that has been broadcast in New Zealand on TV2 since April 2018 and in Australia and around the world since October 2017.

All TIJ television programs are documentary style programs covering various topics including, history, archaeology, health and wellbeing, interesting personalities, historical characters from countries around the world at different times in history, and the like. The program style denotes a moral content with Bible based values.

ASA's Guidance Note on Identification of Advertisements specifies that where it's already obvious the content is advertising, additional disclosure may not be necessary. In addition, when it is not obvious that content is an advertisement such that the audience may need some form of 'identifier', the following examples may be appropriate: an obvious "call to action" such as 'phone now' or 'go to website for more information / to order now'.

The program subject to the complaint is accessible through TIJ's website and YouTube Channel. It can be accessed through the following link: <https://youtu.be/6TGByb0H5Q4>. Throughout the program, it is obvious that the program contains advertisement for The Incredible Journey and that it satisfies ASA's guidelines on identification of advertisements.

Please refer to the following program timecodes in the following link: <https://youtu.be/6TGBvb0H5Q4> for examples of clearly identifying the program as The Incredible Journey:

0:20 The program is identified as The Incredible Journey with Gary Kent. Refer to Appendix 1.1.

0:41 A lower third with The Incredible Journey logo and name. Refer to Appendix 1.2.

1:38-1:42 'The Incredible Journey presents' identifier is on screen. Refer to Appendix 1.3.

5:49 — 6:14 and 21.12 — 21.37 Lower thirds with The Incredible Journey logo and name on screen as well as The Incredible Journey Facebook page, website and YouTube Channel. All three, in its about section, identify The Incredible Journey as a Christian program. Refer to Appendix 1.4 —1.7.

7:17 — 7:24 and 22:46 — 22:50 Lower thirds containing a call to action appear on the screen. The lower third contains 'FREE OFFER' wording, TIJ's website, phone numbers in Australia and New Zealand and an image of the free offer (a booklet). Refer to Appendix 1.8 —1.9.

26:57 — 27:57 Visual and verbal call to action to order TIJ's free offer (a booklet). Refer to Appendix 1.10.

28:14 — 28:30 Credits on screen specifying the program is produced by The Incredible Journey. Refer to Appendix 1.11.

2. *which concluded by encouraging members of the public to join its religious organisation.*

**Response 2:**

The program subject of this complaint does not make statements encouraging viewers to join any religious organisation. There is no evidence presented to substantiate the viewer's assertion in the complaint.

Please refer to the full broadcast version of the program <https://Jyoutu.be/6TGBvb0H5Q4> and to the script in Appendix 1.12 for evidence that the program is not encouraging viewers to join any religious organisation.

3. *No disclaimer was visible for the majority of the "programme"*

**Response 3:**

As specified above in Response 1, as per ASA's Guidance Note on the Identification of Advertisements, TIJ's program subject to this complaint satisfies ASA's identification guidelines.

In addition, the program in question, *Man of the Millennium: Martin Luther*, was approved on 14 December 2020 by The Commercial Approval Bureau (CAB), and it received a rating of GXC — General Except Children's Programmes. CAB Key Number for the program is TIJ/M30/1101.

4. *and being advertised as a stand-alone 35-minute long television spot was misleading as it was reasonable to believe that as this was not an "infomercial spot" that it was a legitimate television programme. Breach of Rule 2(a).*

**Response 4:**

TIJ is uncertain what is meant by "advertised as a stand-alone 35- minute-long television spot".

TIJ is a legitimate television programme, researching each topic extensively before it is approved for airing.

All programs contain a portrayal of the values, beliefs and themes The Incredible Journey wishes to depict.

As specified above in Response 1, as per ASA's Guidance Note on Identification of Advertisements, TIJ's program subject to this complaint satisfies ASA's identification guidelines and is approved by the Commercial Approval Bureau (CAB).

The New Zealand constitution enshrines the right of freedom of religion and religious expression. As such, TIJ programs have the right to express this religious freedom and present programs based on Biblical themes, concepts and content.

TIJ programs have never been rejected or found unsuitable for airing in New Zealand on TV2. In addition, TIJ has never had a complaint that was upheld as a breach of the advertising standards.

TIJ respectfully believes this complaint expresses an interpretation of what constitutes advertising or an infomercial that's not valid. In context, the complaint may be related to an offer that is free and has no obligations and, as such, could be characterised as trivial in nature.

TIJ realises that TV2 also broadcasts a program called *Tomorrow's World* every Thursday at 9:25am, which also provides "Free Offers" to their viewers. A religious program, *Faith in Action*, airs on TV2 on Fridays at 9:30am, and infomercials air on TV2 at 9am on Fridays. All these programs have a very similar way of fulfilling the requirements in the ASA's Guidance Note on Identification of Advertisements to the way TIJ does.

TIJ believes The Incredible Journey Television - Complaint 21/051 is without merit, contains unsubstantiated claims. As a consequence the complaint has no grounds to proceed, and should not be upheld as any breach of the standards.

Should you find a point where the TIJ program contravenes an advertising standard, TIJ would appreciate a recommendation of what may be reasonably required, so compliance is not in question.

TIJ looks forward to any constructive dialogue and working together to resolve this complaint.

TIJ is open to a teleconference/zoom meeting if necessary, to assist with resolution.

### **About The Incredible Journey**

The Incredible Journey is a donor funded ministry passionate about communicating our bold vision of shoring the good news of Christ and preparing people for the soon coming of Jesus. We are devoted to giving Biblical answers to life's questions through television, the Internet, social media, Bible Centre, evangelistic ministry and Christian living and faith-sharing resources.

Pastor Gary Kent is the Speaker/Host for The Incredible Journey media ministry. He is an archaeologist who has excavated numerous sites throughout Israel and Jordan. As an Internationally-acclaimed speaker and TV presenter, he has spoken and produced numerous documentaries on subjects including the Bible, Bible prophecy, world events and natural health. His passion is to share the good news of Jesus' imminent return.

### Appendix 3

#### RESPONSE FROM COMMERCIAL APPROVALS BUREAU

A complainant has expressed concern that audiences will not be able to identify The Incredible Journey while viewing this paid presentation.

Below is a list of identifiers that recur over the course of the twenty-eight minute runtime for this programme:

- Title sequence identifying The Incredible Journey
- Graphic introducing host Gary Kent, branded with The Incredible Journey
- Second title sequence "The Incredible Journey Presents"
- On-screen graphics with details of:
  - The Incredible Journey Facebook page
  - The Incredible Journey website address TIJ.tv
  - The Incredible Journey Youtube channel
- Free offer of literature which includes:
  - Webiste TIJ.tv
  - Australia text or Phone, 0436 333 555- New Zealand text or phone, 020 422 2042
- A repetition of Facebook, website and Youtube details
- A repetition of free offer contact details
- A fully animated and voice presentation of the free literature offer including:
  - All previous contact information
- Australian postal address, The Incredible Journey, GPO Box 274, Sydney, NSW 2001, Australia

The advertiser is well-identified throughout, and they are very keen for viewers to know who they are. Further to this, they would like viewers to contact them directly, which would be difficult to achieve if the advertiser remains unknown.

Throughout this paid presentation, The Incredible Journey has provided a great deal of information about themselves, including their website address, Facebook page, Youtube channel, phone number and even their postal address.