

COMPLAINT NUMBER	21/006
APPEAL NUMBER	21/001
ADVERTISER	Richmond Vehicle Testing Station
APPLICANT	The Complainant
ADVERTISEMENT	Richmond Vehicle Testing Station Print
DATE OF MEETING	1 April 2021
OUTCOME	Appeal Declined Complaint No Grounds to Proceed

SUMMARY

The Chair of the Complaints Board ruled the complaint made about a print advertisement for Richmond Vehicle Testing Station, featuring a Donald Trump look-alike, had no grounds to proceed.

The Complainant appealed the decision. The appeal application was considered by the Chairperson of the Appeal Board. The Chairperson said the appeal did not meet any of the five grounds for appeal. The Chairperson agreed with the Ruling by the Chair of the Complaints Board, that the advertisement did not reach the threshold to cause harm or serious or widespread offence for most consumers.

The Chairperson said there were no grounds on which the appeal could proceed, and the application was declined.

Please note this headnote does not form part of the Decision.

CHAIRPERSON'S RULING

The Chairperson of the Appeal Board viewed the application for appeal. She noted there are five grounds upon which an appeal is able to proceed. These are listed at Clause 6.4 of the Second Schedule of the Advertising Standards Complaints Board Complaints Procedures and are as follows:

- (a) The proper procedures have not been followed.
- (b) There is new evidence of sufficient substance to affect the decision.
- (c) Evidence provided to the Complaints Board has been misinterpreted to the extent that it has affected the decision.
- (d) The decision is against the weight of evidence.
- (e) It is in the interests of natural justice that the matter be reheard.

The Chairperson reviewed the complaint, the advertisement, the Ruling from the Chair of the Complaints Board, and the Complainant's appeal application.

The Chairperson confirmed the appeal process is confined to reviewing the advertisement, the issues raised in the complaint about the content of the advertisement, and assessing whether the likely consumer takeout may breach the Advertising Standards Code.

The Chairperson noted the Complainant's concern that the humour used in the advertisement was inappropriate in the context of the COVID-19 pandemic.

The Chairperson agreed with the Chair of the Complaints Board's comments about the seriousness of the COVID-19 (Corona virus) pandemic, and the need for responsible advertising.

The Chairperson agreed with the Ruling by the Chair of the Complaints Board, that the advertisement did not reach the threshold to cause harm or serious or widespread offence for most consumers.

The Chairperson said the advertisement was designed to encourage consumers who read the Waimea Weekly to come and renew their vehicle's WOFs (Warrants of Fitness) at Richmond Vehicle Testing Station. The advertisement, while light-hearted, did not encourage an irresponsible attitude to the COVID-19 (Corona virus) pandemic.

The Chairperson said although the humour used in the advertisement is not to the Complainant's taste, humour may be used in advertisements, as long as it does not cause serious or widespread offence.

The Chairperson ruled there were no grounds on which the appeal could proceed, and the application was declined.

Chairperson's Ruling: Appeal application **Declined** Complaint **No Grounds to Proceed**

APPENDICES

1. Chair of the Complaints Board Decision:
No Grounds to Proceed Ruling
 2. Appeal Application
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Appendix 1

Chair of the Complaints Board Decision: No Grounds to Proceed Ruling

COMPLAINT NUMBER	21/006
ADVERTISER	Richmond Vehicle Testing Station
ADVERTISEMENT	Richmond Vehicle Testing Station Print
DATE OF MEETING	1 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Richmond Vehicle Testing Station print advertisement showed a picture of a Donald Trump (former President of the United States) look-alike. The text beneath him said: "This Corona thing... I don't see what the fuss is about. It's a great car, Toyota really nailed it with that one." Make sure you guys nail it with your WOF from us..."

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

Complaint: Dear Sirs

May I respectfully draw your attention to a copy of the enclosed advert printed recently in THE WAIMEA WEEKLY a free paper published in RICHMOND.

I am appalled by this advert and find it absolutely dreadful that they can "joke" about this terrible pandemic that has taken the lives of many people worldwide. All in New Zealand have fought so hard to keep covid at bay and so far we have been very fortunate.

I do not know if there is any action you can take but would ask you please to do so if possible. Thank you.

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 humour used in the advertisement was inappropriate in the context of the COVID-19 pandemic. The Chair agreed with the Complainant's comments about the seriousness of the COVID-19 (Corona virus) pandemic and the need for responsible advertising.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of a Trump look-alike, with the text "This Corona thing... I don't see what the fuss is about", in this context, was likely to cause harm or serious or widespread offence, in light of generally prevailing community standards.

The Chair referred to one of the Guidelines for Rule 1(c) which state:

Humorous, satirical treatment of people and groups of people are natural and accepted features of societal relationships and may be acceptable, provided they are not likely to cause harm or serious or widespread offence.

The Chair said the play on words using the dual meanings of the word "Corona" – the name of a Toyota car and the name of a virus, as spoken by "Trump", was intended to be humorous by making fun of Mr Trump. It was also to encourage consumers to use the services of the Richmond Vehicle Testing Station.

The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause harm or serious or widespread offence for most consumers.

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

Appendix 2

APPEAL APPLICATION FROM COMPLAINANT

I wish to appeal your decision concerning case number 21006.

PRINCIPLE 1

How is this advert socially responsible to consumers and society?

RULE1 (C)

How is this advert decent and not offensive?

You comment how serious the covid 19 pandemic is and state the need for responsible advertising. You think this is responsible and non offensive? This advert is absolutely appalling and in no way humorous. Many thousands of people all over the world have lost their lives. Please look again at your appeal rule D. The decision is against the rule of evidence. Rule E. It is in the interests of natural justice.

I would respectfully request you look at this case again and reconsider your original verdict. Please do the right and decent thing and reverse your decision. Thank you.

FURTHER INFORMATION PROVIDED BY THE COMPLAINANT

One other question I wish to bring to your attention regarding my appeal.

Do you think it's right that a company can make commercial gain using the covid pandemic in an advert.?