

COMPLAINT NUMBER	21/304
ADVERTISER	Trade Me Limited
ADVERTISEMENT	Trade Me Limited Television
DATE OF MEETING	8 June 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for TradeMe showed examples of things that people might search for on Trade Me, hoping to make a purchase. The voiceover said "...Hobbies will be started, rediscovered... or abandoned". A man is shown trying, unsuccessfully, to hit a golf ball. He mutters "God... dammit" under his breath. A set of golf clubs is then shown as being for sale on Trade Me under the name 'Stupid Stupid Golf clubs'.

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

Complaint: During the show a add for trademe came on.

In it a man has golf clubs and tries to hit the golf ball but misses.

You can here him blasphemous say " God damit "

Now in tv shows that's not said and normally beeped out. It's not suitable for a commercial and is potentially offensive to half the country that has registered as religious in the last census. It also occurs during a kids show.

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 used unsuitable language.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of "Goddammit" 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, 19/137, which was also ruled No Grounds to Proceed. That decision referred to a Subway television advertisement which shows a couple having a romantic dinner. The man says "Wait, there's more" and the woman responds saying "Oh my God!", in anticipation of a marriage proposal. Instead, the man produces a large Subway sandwich for the couple to share. The Chair said the words used had become part of the New Zealand vernacular and in this case the threshold to cause serious or widespread offence had not been reached.

The Chair said the reasoning in the precedent decision applied to the case presently before her with the use of the phrase "Goddammit". The phrase is part of the New Zealand vernacular and it did not reach the threshold to cause serious or widespread offence.

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.