

COMPLAINT NUMBER	21/327
ADVERTISER	New Zealand Police
ADVERTISEMENT	New Zealand Police, Spotify
DATE OF MEETING	28 June 2021
OUTCOME	No Grounds to Proceed

Advertisement: The NZ Police audio advertisement playing on Spotify has a voiceover describing an outdoor scenic environment - "a sun drenched lake stretches peacefully into the horizon, rugged mountains frame the water." The narrative then turns into the description of a car crash scene. "A car seat crushed against it, glass stained blood red covers black tar seal, red hot flames engulf crushed metal, muffling faint cries from inside. Enjoy the view, don't become it." In the background there are sound effects of glass smashing, flames roaring and the muffled sounds of someone crying out. The advertisement concludes with the voiceover saying "Slow down, don't use your phone and wear a seatbelt so you arrive alive. The advertisement ends with the identification of the Advertiser - the "New Zealand Police."

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

Complaint: "Dont become part of the scenery" ad, coming on fairly regularly (Last heard ~3pm 13 June) on Spotify's free service

The ad narrator describes in detail a roadside scenery before proceeding to detail blood stains, crushed seats, and muffled sounds of dying.

The description is quite needlessly graphic and evocative, and I dont believe I should be subjected to it when its targeting a narrow band of the population

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(g), Rule 2(e);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

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

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.” This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair acknowledged the Complainant was concerned the advertisement was needlessly graphic and evocative for a wide range of people when only a small number of the population drove in a way that may result in a crash.

The Chair confirmed the Advertiser’s identity was clear and the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code as an advocacy advertisement.

The Chair said the advertisement was part of a New Zealand Police campaign designed to promote the need for safe driving.

The Chair said the intention is to provide a realistic scenario about dangers of unsafe driving. The Chair noted the New Zealand Police has a responsibility to educate the public on this issue on behalf of the Government.

Rule 1(g) of the Advertising Standards Code required the Chair to consider whether the scenario used in this context was likely to cause fear or distress without justification.

The Chair acknowledged the genuine concerns of the Complainant and said despite the graphic scene described in the advertisement, it was delivering an important, potentially life-saving message and was therefore justified on educational grounds. The Chair said the advertisement was trying to portray a real-life scenario of what can be the end result of drivers speeding, using their phone or not wearing a seatbelt.

The Chair said the advocacy advertisement did not meet the threshold to breach Principle 1, Principle 2, or Rules 1(g) and 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.