

COMPLAINT NUMBER	21/346
ADVERTISER	John's Furniture Warehouse
ADVERTISEMENT	My Mate John's website
DATE OF MEETING	5 July 2021
OUTCOME	No Grounds to Proceed

Advertisement: The My Mate John's website, <https://www.mymatejohn.co.nz/>, advertised a sale using a stylised image of Che Guevara with the words "PRICE REVOLUTION - YOU CHOOSE THE DEAL!".

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

Complaint: My Mate John's used Che Guevara's image to advertise a "Price Revolution". Che Guevara was a criminal mass murderer, racist, and homophobe who imprisoned thousands, was responsible for untold suffering and who should be remembered as the fist of an uncompromising totalitarian regime.

The use of his image to sell furniture is downright offensive. It's akin to using Goering's image to sell Air New Zealand flights, or Joseph Mengele's to sell health insurance. It's disgusting and insults the memory of at least 144 young Cubans brutally murdered by this madman.

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 was offensive.

The Chair referred to a precedent decision, 11/425, which was considered by the Complaints Board and ruled Not Upheld in part and Settled in part. This decision concerned a complaint about bus shelter advertisements for Powershop, which featured images of world leaders such as Richard Nixon and Saddam Hussein with the text "Same Power Different Attitude". There was also a website advertisement which featured a picture of Che Guevara with the word "SERVICE" written across his head.

The Complaints Board noted the Advertiser removed the bus shelter and website advertisements featuring images of Saddam Hussein and Kim Jong-il, in response to feedback received during the advertising campaign, and ruled this part of the complaint was settled.

The Complaints Board then turned to consider the advertisements using images of Che Guevara and Richard Nixon. It noted the sincere concerns of the Complainants with regard to these advertisements, however, it was of the view that these advertisements did not reach a

threshold to cause serious or widespread offence, in light of generally prevailing community standards. Accordingly, this aspect of the complaint was Not Upheld.

Turning to the complaint before her the Chair noted that Rule 1(c) of the Advertising Standards Code required her to consider whether the use of an image of Che Guevarra, in the context of a website advertisement for John's Furniture Warehouse, 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 use of the image in the advertisement, it did not reach the threshold to cause serious or widespread offence for most consumers. The Chair said images of Che Guevara have been regularly used as a symbol of revolution. The Chair said the average consumer is likely to associate him with being the leader of a revolution but is unlikely to know many details about his life and his role in the Cuban revolution. In the present example the concept of "revolution" relates to the text in the advertisement: "PRICE REVOLUTION".

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.