

COMPLAINT NUMBER	22/011
ADVERTISER	New Zealand Blood Service
ADVERTISEMENT	NZBlood, Television
DATE OF MEETING	17 January 2022
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand Blood Service television advertisement shows a woman jogging on the footpath at night. Headlights of a vehicle are shown behind her shortly before the vehicle veers off the road towards her. The sound of a crash is audible. Text states, "Unseen emergencies happen every day" and "DON'T WAIT TO SAVE A LIFE". The NZBlood logo is shown underneath.

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

Complaint: Kia ora, I would like to lodge a complaint about NZ BLOOD DONORS current advertisement I viewed at 6:30pm 6 Jan TV1. The depiction is of a woman runner being run over

My points are:

- 1/ the advert implicitly depicts that women should remain fearful of being out alone at night
- 2/ blokes who drive JEEPS run women over at night
- 3/ this advert seriously insults women. it is well known that women are struggling in their bid to gain the right to feel safe anytime anywhere in our communities.

women should not feel fearful in any of the circumstances depicted - running at night; not running with a companion; running without facing the traffic; it has serious underlying connotations.

This is a really poor advert and in my view, neither the advert developer nor Blood Donor NZ, have consulted very widely with what the implicit message is behind this advert carries - I suggest they employ a few women maybe!

I hope I don't see the advert for very much longer!

The relevant provisions were Advertising Standards Code – Principle 1, Principle 2, Rule 1(c), 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(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.

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.

The Chair acknowledged that the Complainant found the advertisement offensive to women. She also noted the Complainant's concerns that the advertisement implied women should be fearful of being alone at night, and particularly fearful of men driving JEEPs.

The Chair said the advertisement met the requirements to be considered an advocacy advertisement under the Advertising Standards Code. She confirmed that the identity of the Advertiser was clear as the New Zealand Blood Service logo was visible on screen at the end of the advertisement. The Advertiser's position was also clear. The Chair said the advertisement highlights an everyday medical emergency and encourages viewers to donate blood to save a life.

The Chair said the likely consumer take out was blood donations are needed for medical emergencies every day. She considered the gender of the actors in the advertisement was incidental to this message. The Chair said the likely consumer take-out for most people would be the same regardless of gender. Furthermore, she noted the gender of the JEEP's driver was unknown. The type of car used and the gender of the driver was not relevant to the overall message.

The Chair said the advertisement did not meet the threshold to cause serious or widespread offence, or cause fear or distress without justification.

The Chair said the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society when viewed through an advocacy lens. The Chair said the advertisement was not in breach of Principle 1, Principle 2, Rule 1(c), Rule 1(g) or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.