

<b>COMPLAINT NUMBER</b>	22/055
<b>ADVERTISER</b>	Frank Energy Ltd
<b>ADVERTISEMENT</b>	Frank Energy Television
<b>DATE OF MEETING</b>	28 February 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Frank Energy television advertisement features a real estate agent showing a couple through a home which he describes as "hell on earth". He points out features such as an outline on the floor where the previous owner "carked it", buckets in the bathtub to catch water from a leak, and a graveyard for cats in the front yard. The new mascot for Frank Energy, a man dressed as a green asterisk says "Being frank isn't always appreciated, unless you're a power company... Frank Energy the power company that sells it to you straight".

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

There were three complaints about this advertisement:

**Complaint 1:** On TV1, 17th February 2022, at approx 7.40pm. Company advertising was Frankenergy. Confusing, in very poor taste, showing the outline on the floor of what we assume was a murder victim, followed by a confusing issue of bath filling by buckets!!! Then a selection of graves indicating dead cats.

**Complaint 2:**

Frank Power advertisement Sunday evening around 6.15 pm TV 1 between news & weather. We lost a family member to suicide with the burial days ago. I found it extremely upsetting & disturbing with the "salesman" saying "here the previous owner carcked himself " and then, in a disrespectful manner, showing graves in the backyard. The advertisement is about a young couple taken through a house for sale showing the outline of a body on the floor and gravesites in the backyard. Frank Power comes to the rescue with a human face in the middle of the star-shaped green logo.

**Complaint 3:**

TV One NZ are currently running an add from Frank Energy. It is simply "Not acceptable on any level". It portrays a Real Estate agent trying to sell a house with the outline of a dead body in the middle of the floor, such as a crime scene and then all of the associates in a graveyard outside the house, on the front lawn. 2 Absolutely disgraceful. This add "Needs to be pulled ASAP". How could any company think that this was acceptable either from the company it's self, their marketing team or TV one to even Air the add. It is totally in bad taste, Insensitive and disgraceful. Please review this add and pull it ASAP. 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 Complainants were concerned the advertisement was in poor taste and insensitive because it showed a crime scene and a pet graveyard.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the references to the crime scene and the graveyard, in this context, were likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair said the Advertiser was using a level of humour and hyperbole to support the idea that consumers prefer their power companies to be frank and straight talking. In this case this is illustrated by the unexpected and overly frank commentary of the real estate agent. The Chair noted the advertisement had a G rating (suitable for General audiences, may be broadcast at any time).

The Chair referred to a number of previous Rulings (11/722, 13/456, 14/551 and 18/298) from people who had made similar complaints about advertisements after other real-life events such as the Christchurch earthquakes and fatal car accidents. Those rulings acknowledged the trauma that people have experienced and the distress certain scenes in the advertisements had caused them. Those complaints had been ruled No Grounds to Proceed as the advertisements did not reach the threshold to cause widespread distress or breach the Advertising Codes.

Turning to the complaints before her, the Chair said from time-to-time scenarios used in advertising do resonate with consumers, for tragic reasons and it would be difficult to mitigate this in every case.

Therefore, while she noted the sincere concerns of the Complainants, the Chair said the advertisement did not reach the threshold to cause 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](http://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.