

COMPLAINT NUMBER	22/056
ADVERTISER	Frank Energy Ltd
ADVERTISEMENT	Frank Energy Television
DATE OF MEETING	28 February 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Frank Energy television advertisement features two women in a park. The mother asks if the other woman would like to hold her baby. The other woman replies "Oh, that's a hard pass. I don't like holding babies, they're all the same ... like a human raisin". A man dressed as a green asterisk then says "Wish your power company was this straight-up? It's FrankEnergy.co.nz."

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

Complaint: this is the second complaint i have made regarding this ad its very disgusting especial one of the two ads these are very distasteful and disgusting they're rude and yucky i would hate for my children to view this i'm sure lots of other people have said the same, the second ad is someone being very rude to a mother and her baby this is not the nicest please fix this

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 was concerned that the way the woman explained why she didn't like holding babies was distasteful and disgusting.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the woman's comments about why she didn't like holding babies, which look like a "human raisin", in this context was 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 comment made by the woman about holding babies.

The Chair noted the advertisement had a G rating (suitable for General audiences, may be broadcast at any time).

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 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 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.