

COMPLAINT NUMBER	22/120
ADVERTISER	North Beach
ADVERTISEMENT/S	North Beach, Website and Facebook
DATE OF MEETING	19 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The complaint relates to two digital marketing advertisements.

Advertisement 1: The North Beach website advertisement shows a graphic of a bunny with its arms outstretched, holding a North Beach shopping bag in either hand. Large text on the graphic states, "Get an extra 20% off ALL sale", with smaller text stating "use code 'itsabunny'" and a linked button to "shop now".

Advertisement 2: The North Beach Facebook post on 14 April 2022 uses the same graphic of the bunny. The accompanying caption states, "Use Code ITSABUNNY For An Extra 20% Off ALL SALE 🐰🛍️ We're hopping mad for the Easter deals! Prices are already low, but they'll go up again soon. So don't wait - get your paws on these deals before they hop away!. <https://bit.ly/3JxDHfw> < < SHOP NOW"

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

Complaint: Whilst they have changed the original ad, I still view the remaining ad as insensitive and inappropriate. The nature of my complaint now involves the original advertising material I received, the communications within the stuff article and the updated advertising materials.

The statements in the stuff article suggest they acknowledge they had overstepped the mark and would be removing the image of Jesus and slogans (paraphrased). They have modified it, but not to the level of "removing" the subjects. The figure of Jesus remains clearly recognizable because they had previously labeled it as such and have only made a minor change so it remains very recognizable. Also remaining is the recognizable outline / posture of the figure in the style of Christ the Redemmer, reinforced by the continued use of lightrays emanating from a central point - a common way of symbolising a heavenly source.

Secondary is the seemingly obvious doubling down on the original theme by making such minor changes and using the new sales keyword of "itsabunny", when it clearly is not. The central figure of their sale is now Jesus with a bunny hat / head holding shopping bags with a code "itsabunny". The cumulative effect is the ad has minor changes, but the messaging and accompanying offense of the original remains.

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 acknowledged the Complainant's concern that the advertisement was insensitive and offensive.

The Chair noted these advertisements were amended versions of previous advertisements. The Secretariat confirmed with the Advertiser the advertisements had been changed on both the Advertiser's website and the Facebook page after the Advertiser received complaints from the public. The Chair said given the self-regulatory action taken, the issue with the initial advertisements had been settled and she would focus on the amended advertisements only.

The Chair reviewed the advertisements in their current form. She firstly considered the website advertisement which appeared on the North Beach home page. She noted the advertisement included an image of the bunny with human arms outstretched, with light appearing to emanate from behind the bunny. The Chair said it was unlikely this representation would cause serious or widespread offence. She said bunnies are a widely used and often a commercial symbol for Easter and thought it was unlikely most people would make a connection to the figure of Christ the Redeemer had they not seen the previous version of the advertisement. While she acknowledged that emanating light is often used in religious iconography, she said in this case, it was appeared as a background effect to enhance the dominant image of the bunny. She considered that the text in the advertisement, promoting the sale and discount code, 'ITSABUNNY' further supported the imagery.

The Chair then turned to the Facebook advertisement. She noted this advertisement used the same image of the bunny and included a caption which made references to "hopping". Similar to the website advertisement, the Chair said the Facebook advertisement did not include any representation that was likely to cause serious or widespread offence. She said the caption further highlighted the connection between Easter and bunnies and the holiday weekend sale.

The Chair said the digital marketing advertisements before her were unlikely to cause serious or widespread offence. While acknowledging the advertisements caused offence to the Complainant, she said they did not reach the threshold to breach Principle 1 or Rule 1(c) of the Advertising Standards Code.

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

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.