

COMPLAINT NUMBER	22/143
ADVERTISERS	Witchery NZ & Ovarian Cancer Research Foundation
ADVERTISEMENT	Witchery NZ & Ovarian Cancer Research Foundation Digital Marketing
DATE OF MEETING	16 May 2022
OUTCOME	No Grounds to Proceed

Advertisement: The website advertisement for Witchery NZ and the Ovarian Cancer Research Foundation (OCRF) had a photo of a woman wearing a white shirt and the text: "This white shirt can end ovarian cancer - #WHITESHIRTCAMPAIGN...".

The Facebook advertisement said "Today is white shirt day & world ovarian cancer day. A day to unite in white and come together to raise awareness about ovarian cancer. Since first partnering with the OCRF in 2000, with your help we've raised over \$14.3 million for ovarian cancer research, but the fight's not over..."

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

Complaint: Ad makes false claims regarding a shirt being a cure for Ovarian Cancer and is a distasteful attempt to sell a high cost fashion product with the claim it 'can' cure cancer. It is emotionally manipulative, incorrect and a blatant exploitation of cancer patients/survivors/bereaved to spend money.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c), Principle 2, Rule 2(b);

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.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant was concerned the website advertisement was misleading and emotionally manipulative because it claimed that the sale of white shirts "can end ovarian cancer".

The Chair said the likely consumer takeout of this term was that purchasing these white shirts will contribute towards the eradication of ovarian cancer, through supporting the Ovarian Cancer Research Foundation. The aim of the Foundation is “the development of a cure for ovarian cancer, which will save all women from this insidious disease.” The Foundation also plays a role in raising awareness about this disease.

The Chair said that despite the Complainant’s objection to the advertisement, it did not reach the threshold to be misleading or to cause serious or widespread offence for most consumers.

The Chair said the advertisement was not in breach of Principle 1, Rule 1(c), Principle 2 or Rule 2(b) 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.