

<b>COMPLAINT NUMBER</b>	22/147
<b>ADVERTISER</b>	Mount Maunganui Roofing
<b>ADVERTISEMENT</b>	Mount Maunganui Roofing, Radio
<b>DATE OF MEETING</b>	16 May 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Mount Maunganui Roofing radio advertisement begins with a voiceover saying: “More choice bits from the Department of Silly Questions.” The advertisement presents fake examples of customers asking question about the roofing business, with the employee providing answers. In one question a man asks, “Do you do a bit on the side?” The employee responds saying “We do long run steel wall cladding, I guess that’s on the side.” Another customer asks the question “Are you always on top?” The employee replies “That’s the way I like it.” The advertisement ends with the company’s motto “We’re always on top” being shouted by a group of people.

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

**Complaint:** I am not a prude in any way but this ad is just so suggestive:that it makes me cringe every time I hear it.

The customer asks the lady in charge who is from a roofing company “are you always on top” to which the reply is “well that’s the way I like it” which is said so suggestively that it’s embarrassing to listen to. I honestly think this is completely inappropriate to air on radio.

**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 the advertisement was sexually suggestive and inappropriate.

In reviewing the complaint, the Chair noted the same advertisement had previously been the subject of a complaint to the ASA. The Chair referred to the precedent decision 16/362 in which the Complaints Board did not uphold the complaint.

The decision stated in part:

“...The Complaints Board noted the length of time the byline for the company, “We're always on top,” had been running and the radio audience for which it was intended. The roofing company's byline had been established several years before the advertisement in question and had run since then in similar advertisements without previous complaint.

The Complaints Board agreed the advertisement was in poor taste, smutty and tacky but not degrading of any individual or group and that it was generally lightened by the chatty language of the woman purported to be answering the company phone. The Complaints Board considered the light-hearted innuendo employed in the advertisement did not reach the threshold for serious or widespread offence and was not explicit enough for a child to take from it more than an innocent meaning...”

Turning to the complaint before her, the Chair said that while she agreed the attempted humour in the advertisement was bawdy and outdated, the innuendos were unlikely to cause serious or widespread offence to most consumers. The Chair noted the advertisement had played on the Newstalk ZB radio station whose programming is targeted towards the 35-64 age demographic. The Chair took into account the combination of the likely audience and the style of advertising from a local roofing business in making her decision. The Chair said the Advertiser had used similar material over a number of years and regular listeners would be familiar with the type of humour it relied on.

The Chair ruled the advertisement 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 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.