

COMPLAINT NUMBER	22/182
ADVERTISER	Accident Compensation Corporation (ACC)
ADVERTISEMENT	Have a Hmmm, Facebook
DATE OF MEETING	27 June 2022
OUTCOME	No Grounds to Proceed

Advertisement: The sponsored Accident Compensation Corporation (ACC) post on Facebook is part of their "Have a hmmm." campaign. The post is captioned, "An injury can affect friends, whānau and other people who count on you. So ask yourself: if you get hurt, who gets harmed?". The post includes a six second clip of a man dancing in a bar, with the voiceover of his friend in swimming trunks saying, "If I get hurt, who's going to wing-man Jared?".

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

Complaint: This sponsored content suggests that people who are injured or disabled are a burden to their families and loved ones. It does a disservice to the disability community to portray accidents this way. There is a way to encourage people to look for hazards without guilt people who are already sick or injured.

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

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

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

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair noted the Complainant was concerned the advertisement portrays injured or disabled people as a burden to others.

The Chair confirmed the identity and position of the Advertiser was clear. She noted the advertisement included the Advertiser's name and logo. The Advertiser's position was also clearly a safety message from ACC about stopping and thinking before undertaking an activity which could be dangerous. The Chair said the advertisement complied with the identity requirements of Rule 2(e).

The Chair noted that ACC was a Government agency responsible for managing the recovery of injuries and for injury prevention

The Chair said the 'Have a Hmmm campaign was series of educational advertisements about how to avoid unsafe behaviour and are aimed at an audience who may not have previously considered the potential consequences of risky actions.

In order to challenge the attitude towards risk in New Zealand, she said the campaign needed to demonstrate the consequences of that risk, both in terms of injury to the risk taker and the wider implications for those around them. The Chair noted the ACC website estimates that 90% of all injuries are preventable and that research shows these injuries aren't random, unconnected or unpreventable.

While the Chair acknowledged the genuine concerns of the Complainant, she said the suggestion of the Advertiser portraying injured, or disabled people as a burden was unlikely to be the takeout for most consumers. The Chair said the advocacy advertisement was not likely to cause fear or distress without justification and was not in breach of Principle 1, Principle 2 or Rules 1(g) or 2(e) 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.