

COMPLAINT NUMBER	22/187
ADVERTISER	Kai Point Coal
ADVERTISEMENT	Kai Point Coal, Radio
DATE OF MEETING	4 July 2022
OUTCOME	No Grounds to Proceed

Advertisement: The radio advertisement for Kai Point Coal describes how consecutive generations choose to go to Kai Point Coal for their fuel requirements. The advertisement ends with the tag line “Kai Point Coal, the best place for coal for more than 60 years.”

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

Complaint: Advertisement for Kai point Coa for home heating purposes . My wife and myself felt disturbed at hearing an advertisement for coal on a public radio station.

In view of the current narrative regarding the effects of fossil fuel use and its environmental impacts, both local and global, this advertisement lacks awareness and sensitivity to those impacts. There are now well established alternatives to combustion for home heating that avoid and mitigate those harmful effects. This advertisement speaks to a combustion cult that chooses to be ignorant of all those facts

More importantly these effects are more pronounced at the local level. During winter it is not unusual for entire suburbs to be encased in a noxious haze of airborne contaminants that result from domestic heating appliances.

The harmful nature of anthropogenic air pollution was extensively outlined in 2007 in The Health and Air Pollution in New Zealand Report, (HAPINZ). A joint study between the Ministries of Health, Environment and Transport, it makes for grim reading on the state of our collective health and the morbidity and mortality that are consequent to domestic combustion heating.

Since updated in 2012 (UPDATED HAPINZ Study - Volume 1 Summary Report) cites some alarming statistics: Each year in New Zealand the cost of air pollution is :

1175 deaths
607 Hospital Admissions
1.48 million restricted activity days
\$4.28 billion cost

56% of this is caused by domestic heating in urban environments .

That we are dying prematurely because of an activity endorsed by a public broadcaster is unequivocal. Well established correlations exist between bad air pollution days and admissions to hospitals for respiratory ailments that result from

air pollution. (for example between Otago Regional Council and Public Health South)

Habers Law , a measure in toxicology states that long term exposure to contaminants of low exposure is as toxic as short term exposure to elevated concentrations. One American study (Environmental Protection Agency) has determined that a bad air pollution day is equivalent to smoking sixteen cigarettes a day. The public advertising of that activity has been widely banned now both here and other enlightened parts of the world.

To promote the use of any coal, especially low grade Kai Point Lignite (colloquially known as " Brown Dirt"), is derelict of the social obligations of a responsible broadcaster in lock step with the challenges of a new global ethic that seeks to protect and preserve the welfare of citizens. . WE SEEK THAT THE KAI POINT COAL ADVERTISEMENT BE REMOVED FROM THE PUBLIC ARENA.

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

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.

Rule 2(h) Environmental Claims: Environmental claims must be accurate and able to be substantiated by evidence that reflects scientific and technological developments.

The Chair noted the Complainant was concerned the advertisement should not be promoting an environmentally damaging product.

The Chair carefully reviewed the advertisement and said the likely consumer takeout was that for consumers who are wanting to buy coal, the Advertiser has a 60-year track record of supplying coal.

The Chair said the Advertiser is selling a product which is legal in New Zealand and it is able to be advertised. The Chair noted the Advertiser did not make any environmental claims in the advertisement.

The Chair acknowledged the Complainant's wider concerns about the environmental impact of coal use but said this issue was not within the ASA's jurisdiction.

The Chair ruled the advertisement was not in breach of Principle 2 or Rules 2(b) or 2(h) 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.