

COMPLAINT NUMBER	22/235
ADVERTISER	Frank Energy Ltd
ADVERTISEMENT	Frank Energy Ltd, Television
DATE OF MEETING	15 August 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Frank Energy television advertisement shows a woman ordering coffee and a scone at a café. She asks the barista for a takeaway coffee as she needs to be in range of the bathroom. She says I’ve got about 5 minutes from when the bean juice hits my lips until it hits the bowl.” A man dressed as the Frank logo says, “Wish your power company was this straight up?” The advertisement ends with the text “Frank Energy selling it to you straight.”

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

Complaint: The Woman in the ad alludes to having Bulimia. The rest of their ads are good and funny but this one is horrible. It makes fun of a very real and awful problem. They have enough good quality advertising to not need to continue to air this one.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(h);

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

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

The Chair noted the Complainant was concerned the advertisement was making fun of the serious eating disorder bulimia.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be that the woman was being frank about the laxative effects coffee has on her body.

The Chair said the effect of coffee on some people’s digestive system was sufficiently well-known that it was unlikely the Complainant’s takeout of the advertisement would be that of most consumers.

The Chair said the Advertiser was using a level of humour and hyperbole to support the idea that consumers prefer their power companies to be frank and straight talking. In this case this is illustrated by the unexpected and overly frank customer explaining to the barista how she needed to be close to a bathroom when consuming coffee as it passed through her system quickly.

While acknowledging the genuine concerns of the Complainant, the Chair ruled the advertisement did not meet the threshold to breach Principle 1 or Rule 1(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.