

COMPLAINT NUMBER	22/259
ADVERTISER	Vodafone NZL
ADVERTISEMENT	Vodafone, Television
DATE OF MEETING	29 August 2022
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Vodafone promotes its network by showing interconnected scenes of a carpet laying business using the network through all aspects of its business. A voiceover with a quote from Stephen Hawking says “Time flows like a river, that is the key to travelling into the future”. It ends with a shot of mountains and the Vodafone logo with the words ‘the smart network’ underneath.

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

Complaint: I am concerned Vodafone is using the words, sounds, and likeness of Stephen Hawking without permission from his estate the ‘time is like a river’ ad.

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

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(f) Use of testimonials and endorsements: Advertisements must not contain or refer to any personal testimonial unless permission to use the testimonial has been obtained and it is verifiable, genuine, current, and representative of the typical not the exceptional. Advertisements must not claim or imply endorsement by any individual, government agency, professional body or independent agency unless there is prior consent and the endorsement is current and verifiable.

The Chair noted the Complainant was concerned the advertisement may be using the likeness and words of Stephen Hawking without permission from his estate.

The Chair carefully reviewed the advertisement and agreed it included a quote from Stephen Hawking in his voice which explored the theory that time is relative and flows at different speeds.

The Chair noted the official Stephen Hawking website displayed content about Vodafone and the company was also listed as a partner on the website, <https://www.hawking.org.uk/licensing/partners/vodafone>

The Chair said in her view, this was sufficient evidence that the Advertiser had a relationship with Stephen Hawking's estate and permission to use the quote from Stephen Hawking in his voice.

The Chair said the advertisement was not in breach of Principle 2 or Rules 2(b) and 2(f) of the Advertising Standard 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.