

<b>COMPLAINT NUMBER</b>	22/251
<b>ADVERTISER</b>	Green Cross Health
<b>ADVERTISEMENT</b>	Life Pharmacy, In-Store Poster
<b>DATE OF MEETING</b>	22 August 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The poster advertisement at Life Pharmacy in Orewa has a black and white image of a person wearing a mask on a yellow, COVID-19 alert style, background. The text reads, "You must wear a mask in store it's just the law" The advertisement includes the Life Pharmacy logo on the bottom right-hand corner of the poster.

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

**Complaint:** Attached for your attention is a photograph taken yesterday at Life Pharmacy, Orewa. I feel the claim pertaining to this sign is totally misleading in respect to the wording of "its just the Law" regarding mask wearing whilst on the Chemist's premises. My understanding is that mask wearing is a "Mandatory" only request by the NZ Government and there has not been any law passed in Parliament to suggest it is "just the Law". I therefore feel the Chemist is in breach of the advertising standards regulations and is guilty of creating a misrepresentation of actual facts, which could potentially cause further anxiety than necessary to vulnerable members of the public who are already feeling mentally and emotionally challenged presently.

The notice states "You must wear a mask in store.....its just the law"

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2**

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

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

**The Chair** noted the Complainant was concerned the advertisement was misleading to say that mask wearing was the law.

The Chair noted the rapidly evolving nature of the COVID-19 pandemic. Taking these exceptional circumstances into account, she confirmed she would take a higher-level approach to the assessment of this advertising, based on the Principles in the Advertising Standards Code which are the requirements for social responsibility and truthful presentation in responsible advertising

The Chair confirmed that there is legislation requiring a person entering pharmacy to wear a face covering at alert level Orange: COVID-19 Public Health Response (Protection

Framework) Order 2021<sup>1</sup>, made by the Minister for COVID-19 Response under the COVID-19 Public Health Response Act 2020.

The Chair said the likely consumer takeout of the poster was that the pharmacy was reminding customers of the mask requirements in its store in a friendly way, with rhyming text.

The Chair said the content of the advertisement was not misleading and did not breach Principle 1 or Principle 2 of the Advertising Standards Codes.

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.

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<sup>1</sup> Clause 23(1), Schedule 6, Part 2A, Sub Part1, item 4(c)