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## **Statement from Hon. Heather Roy, Chair**

2016 was a year of strategic planning and investment for the ASA. The five-member Governance Board with input from the wider membership and staff undertook a review of the strategic plan and identified key areas for investment over the next three years.

The Board has confirmed the need to continue the excellent codes and complaints work, along with a challenge to enhance the reach of the ASA and look for opportunities that may benefit from our expertise in fast and effective industry regulation.

The breadth of membership organisations of the ASA is a key to its

success. Its jurisdiction is all advertising in all media. Therefore, it is important that the organisations representing advertisers, agencies and the media are engaged in supporting advertising self-regulation with the aim of every ad a responsible ad.

I want to acknowledge and thank the membership of the ASA for their support, both financial and philosophical. On a daily basis, the advertising industry considers code and legal compliance in creating and publishing advertising. Getting it right supports consumer trust in advertising.

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**2016 has seen a shift in focus for  
the ASA.**

**As part of our strategic planning  
we identified opportunities to improve  
information and advice about  
advertising compliance.**

**The result has been a positive  
increase in the number of queries  
about ad content prior to publication  
or broadcast, and a smaller number  
of complaints.**

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## **Statement from Hilary Souter, Chief Executive**

We acknowledge the commitment of the Complaints and Appeal Boards to a fair and balanced process, a key part of the success of advertising self-regulation.

I am also very grateful to the ASA staff for a professional and committed Secretariat. Two new appointments highlight the ASA's commitment to code development and education.

In 2016 we appointed an Education and Development Manager, based in Auckland, to provide more education opportunities and the Governance Board appointed a Codes Committee to

ensure regular review of the principles and rules that support advertising standards.

Further development of our website and LinkedIn page along with a regular newsletter and an alert for the release of decisions have strengthened our communications. Our subscriber numbers have steadily increased and we welcome consumers and the industry regularly accessing information about advertising standards.

## Workload



**+26%**

# Advice

INCREASE FROM 2015



Media



Advertisers



Agencies

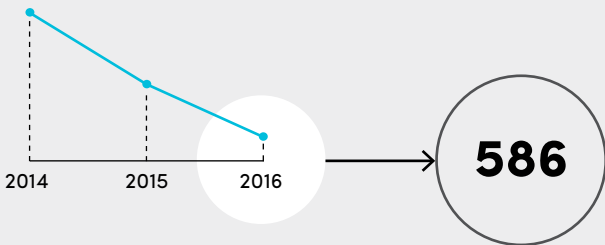
**273**



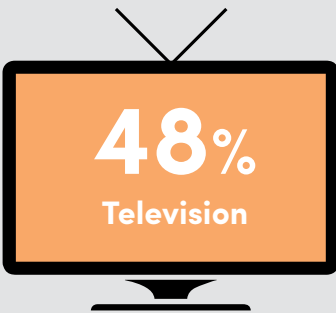
**-17%**

# Complaints

DECREASE FROM 2015



## MOST COMPLAINTS BY MEDIUM

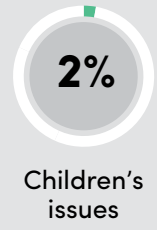
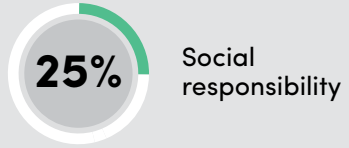


**8%**  
Out of home

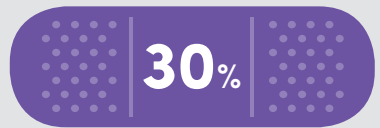
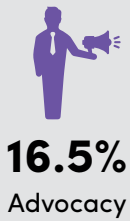
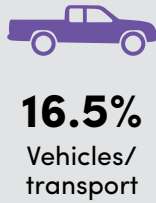
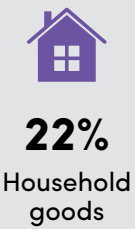
**8%**  
Print

**6%**  
Radio

## KEY ISSUES



## MOST COMPLAINTS BY CATEGORY



## Therapeutics

BREAKDOWN

**29**

Complementary products



**21**  
Services

**5**  
Cosmetics

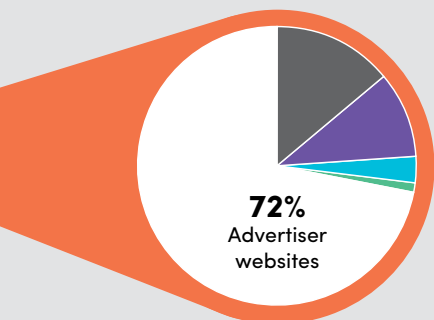
**11**  
Other

**3**  
Weight Management

**8**  
Pharmacy

**1**  
Prescription

## DIGITAL MARKETING BREAKDOWN



**1%**  
In-game

**3%**  
Paid search

**10%**  
Display

**14%**  
Social media

# MOST COMPLAINED ABOUT ADS OF 2016

1.

## From 'Ah so' to Ah Sold'

### 2 CHEAP CARS

COMPLAINANTS: 27 RESULT: SETTLED

27 Complainants were offended by the television advertisement for 2 Cheap Cars which featured a Japanese car salesman who repeatedly said 'Ah so' in response to questions posed by the customer. When the customer decided to buy one of the cars the salesman says 'Ahhhh soood'.

Complainants said the advertisement perpetuated racist stereotypes.

While the Advertiser agreed to remove the advertisement they also said it had been viewed by more than ten Japanese people and none of them found it to be offensive in any way. Being Japanese the Directors of the company felt they should be able to express their own native culture.

2.

## If Stoned: Don't Drive.

### NZTA

COMPLAINANTS: 15 RESULT: NOT UPHELD

15 Complainants were offended by the television advertisement for NZTA which featured two men under the influence of drugs who are involved in a car accident. After the accident, there is a flashback to the driver smoking a bong.

The Complainants said the advertisement was unsuitable for children because it was screened during prime time and showed drug use.

The Advertiser agreed to change the placement of the advertisement to make it less likely to be viewed by children.

The Complaints Board said the advertisement contained an important public safety message and was unlikely to cause serious or widespread offence.

3.

## What's Polluting the Rivers?

### GREENPEACE

COMPLAINANTS: 14 RESULT: NOT UPHELD

14 complainants were offended by the Greenpeace television advertisement which claimed that New Zealand rivers are being polluted by industrial dairy farming and irrigation schemes.

The Complainants said the advertisement was misleading because the dairy industry is not solely responsible for the pollution of New Zealand rivers.

The Advertiser said the impact of intensive dairy farming on water quality is widely documented and Greenpeace should be able to take part in an ongoing national debate on this topic.

The Complaints Board confirmed the advertisement was advocacy advertising and the identity of the Advertiser was clear. The Complaints Board confirmed the Advertiser's position on environmental issues was widely known.

4.

## You Mean 'Spy on My Neighbours'?

### PARALLEL IMPORTERS

COMPLAINANTS: 10 RESULT: SETTLED

10 complainants were offended by a Parallel Imported television advertisement for Samsung s7 cell phones and DJI Phantom drones.

The advertisement included images of the drones accompanied by the voiceover which said 'Fly free and film your neighbours with drones'.

The Complainants said this advertisement encouraged unethical and illegal behaviour which could lead to serious breaches of privacy.

The Advertiser apologised for any offence caused and withdrew the advertisement.

5.

## He said: She said

### OLD MOUT CIDER

COMPLAINANTS: 10 RESULT: SETTLED

10 complainants were offended by the DB Breweries Ltd television and Facebook advertisements for Old Mout Cider. The ad showed a couple having a drink in a bar. The man speaks with a French accent until the 'voice of God' reveals that his name is actually Stephen, not Jean Paul. 'Stephen had been lying, but then, so had Brian'. The implication was the woman he was with had also been 'lying', because she was transgender.

The Complainants said the ad was transphobic and implied transgender people are deceptive if they do not use the name they are given at birth.

The Advertiser apologised for any distress the ad caused and withdrew it.

## DID YOU KNOW...?

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### **In 2016, the ASA updated its definition of advertisement. The key test is whether the content is advertiser-controlled.**

#### THE DEFINITION SAYS:

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

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### **The Code of Ethics has principles and rules that apply to all advertising.**

Rule 1 of the Code of Ethics requires advertising to be identified.

Identification – Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it must be presented so that it is readily recognised as an advertisement.

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### **The ASA appointed an independent Panel to review the Code for Advertising to Children and the Children’s Code for Advertising Food in 2016.**

The Panel received over 90 submissions and recommended the ASA adopt a combined code to cover advertising to children and young people under the age of 18.

The Children and Young People’s Advertising Code was finalised in early 2017 and comes into effect in July 2017.

