

ADVERTISING REGULATION

The Advertising Standards Authority (ASA) provides industry regulation of advertising in New Zealand. The [Advertising Codes](#) are the rules by which all advertisements in all media must comply. In addition to the Codes, there are a number of laws which regulate advertising in New Zealand. A brief summary of the most common advertising-related laws are outlined below.

GENERAL ADVERTISING

REGULATORY FRAMEWORK: [Fair Trading Act 1986](#)

Regulates:	Misleading and deceptive conduct; false and misleading representations
Administered by:	Commerce Commission
Making a complaint:	Commerce Commission online report form
Penalties:	A fine of up to \$600,000 for a company, and up to \$200,000 for an individual; corrective advertising orders; compensation/refund orders; altering/voiding a contract

REGULATORY FRAMEWORK: [Gambling Act 2003](#)

Regulates:	Prize competitions, gambling and advertising gambling (including online/overseas gambling)
Administered by:	Department of Internal Affairs and NZ Police
Making a complaint:	Department of Internal Affairs complaint or inquiry
Penalties:	A fine of up to \$50,000 for a company, and up to 1 year imprisonment or a fine of up to \$20,000 for an individual

REGULATORY FRAMEWORK: [Smokefree Environments and Regulated Products Act 1990](#) (Amendments effective 11 November 2020)

Regulates:	Advertising of tobacco product, vaping product or herbal smoking product
Administered by:	Ministry of Health
Making a complaint:	Smoke-free Enforcement Officers
Penalties:	A fine of up to \$50,000 for a manufacturer/importer/distributor, and up to \$10,000 in any other case

REGULATORY FRAMEWORK: [Flags, Emblems and Names Protection Act 1981](#)

Regulates:	Protects the use of certain flags, names and emblems of Royal, National, International significance (e.g. Anzac)
Administered by:	Ministry for Culture and Heritage and Ministry of Justice (Section 20)
Making a complaint:	Ministry of Justice (Section 20) Ministry for Culture and Heritage
Penalties:	A fine of up to \$50,000 for a company (and \$5,000 per day for continuing infringements), and up to \$5,000 for an individual

REGULATORY FRAMEWORK: [Major Events Management Act 2007](#)

Regulates:	Protection to organisers / sponsors of major events against ambush marketing
Administered by:	Ministry for Business, Innovation and Employment
Making a complaint:	Ministry for Business, Innovation and Employment
Penalties:	Civil and criminal enforcement measures available

REGULATORY FRAMEWORK: [Electoral Act 1993](#)

Regulates:	Election advertising
Administered by:	Electoral Commission and NZ Police
Making a complaint:	Electoral Commission Complaints
Penalties:	Electoral Commission and Chief Electoral Officer have discretion in referring matters to the police

FOOD ADVERTISING

REGULATORY FRAMEWORK: [Australia New Zealand Food Standards Code](#) and [Food Act 2014](#)

Regulates:	Labelling requirements, and use of nutrition/health claims on food products
Administered by:	Ministry for Primary Industries
Making a complaint:	Ministry for Primary Industries Complaints
Penalties:	A fine of up to \$250,000 for a company, and up to \$50,000 for an individual

ALCOHOL ADVERTISING (Irresponsible Promotion)

REGULATORY FRAMEWORK: [Sale and Supply of Alcohol Act 2012](#)

Regulates:	Irresponsible promotion of alcohol (including advertising directed at minors; excessive discounting; promoting free alcohol; promoting gift with purchase on condition alcohol is purchased) National Guidelines on alcohol promotions
Administered by:	Ministry of Justice and the NZ Police
Making a complaint:	Contact the alcohol licensing team at your local council
Penalties:	Up to \$10,000 fine and/or license suspension for up to 7 days

ALCOHOL ADVERTISING (Alcohol Banned Prize)

REGULATORY FRAMEWORK: [Gambling Act 2003](#)

Regulates:	Prize competitions (Gambling (Prohibited Property) Regulations 2005), sales promotion schemes (Fact Sheet)
Administered by:	Department of Internal Affairs and NZ Police
Making a complaint:	Department of Internal Affairs Gambling Compliance
Penalties:	A fine of up to \$50,000 for a company, and up to 1 year imprisonment or a fine of up to \$20,000 for an individual

FINANCIAL ADVERTISING

REGULATORY FRAMEWORK: [Financial Advisors Act 2008](#) and [Fair dealing provisions of the Financial Markets Conduct Act 2013](#)

Regulates:	Misleading, deceptive or confusing conduct and unsubstantiated representations (including how financial advisors advertise their services , prospectus and information statements , Kiwisaver etc.)
Administered by:	Financial Markets Authority
Making a complaint:	Financial Markets Authority Make a Complaint
Penalties:	Wide range available

FINANCIAL ADVERTISING (Consumer Credit Contracts)

REGULATORY FRAMEWORK: [Credit Contracts and Consumer Finance Act 2003](#)

Regulates:	Protection of the interests of consumers when borrowing money (e.g. personal loans, consumer credit contracts, hire purchase agreements and consumer leases)
Administered by:	Commerce Commission
Making a complaint:	Commerce Commission online report form
Penalties:	Open-ended included reopening a consumer credit contract

THERAPEUTIC AND HEALTH ADVERTISING

REGULATORY FRAMEWORK: [Medicines Act 1981](#), [Medicines Regulations 1984](#) and [Dietary Supplements Regulations 1985](#)

Regulates:	Medicines, Related Products, Medical Devices and Dietary Supplements in New Zealand. The Act and Regulations ensure that the medicines used in New Zealand are safe and effective and that therapeutic and health products are advertised responsibly.
Administered by:	Medsafe
Making a complaint:	Medsafe Complaints
Penalties:	Section 78 - general penalty - 3 months in prison or \$500. Specific penalties under Section 18(5) for selling a prescription medicine, if you are not authorised. 6 months in prison or \$40,000. And Section 20(4) distributing a new medicine without consent, 6 months in prison or a fine up to \$20,000 for a person or \$100,000 for a Body Corporate.