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'Not Beersies' TV ad

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# 2014 ASA ANNUAL REPORT



How many substantive complaints went to the Complaints Board?

314

How many advertisements received more than one complaint?

49

How many competitor complaints were heard via adjudication?

3

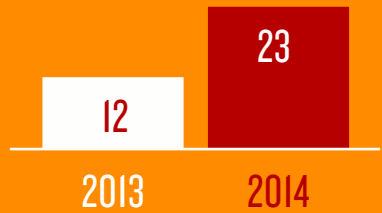
How many complaints were appealed?

5%

How many ads were removed or changed?

58%

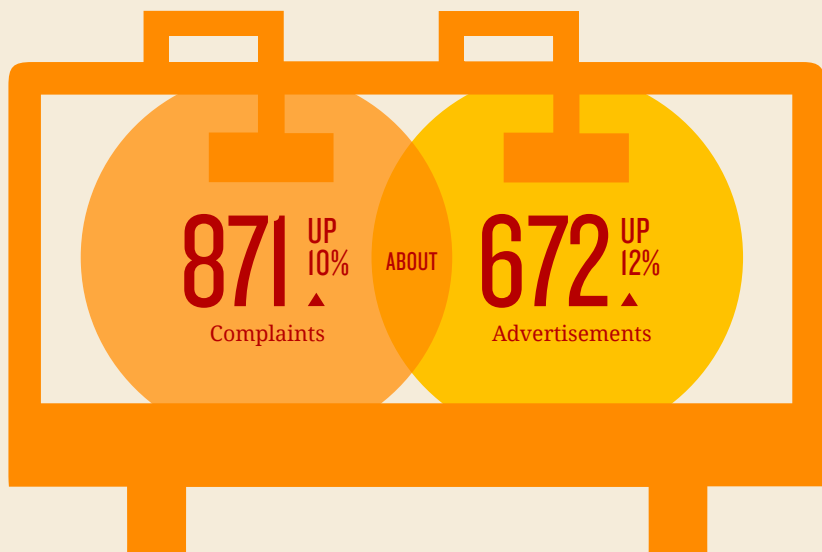
Number of Complaints Board meetings



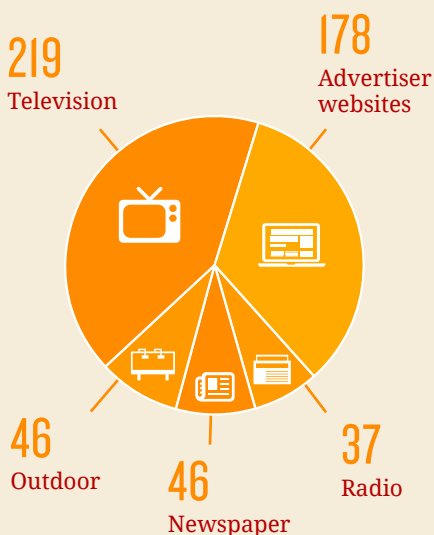
On average, how long does it take to deal with a complaint?



## How many complaints?



### The most complained-of mediums



### The most complained-about issues



### The most complained-about product categories



### Total spent on media placement costs



## Top ten complained about ads

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1.

14/455

### Apology for Insensitive Ad Placement

Thirty seven complainants were offended at the placement of an advertisement for Skyns condoms during Consent: The Louise Nicholas Story on Television New Zealand. TVNZ acknowledged the sensitivity of the programme's subject matter and said the advertisement placement should have been considered prior to broadcast. The Chairman noted booking procedures were under review as a result of the error and TVNZ had apologised to Complainants for the mistake. The complaint was Settled - Media Error.

2.

14/001

### Burger King Bully Ad Bombs

Sixteen complainants were offended at Burger King's use of a stereotype of an intimidating and aggressive ex-prisoner. Burger King said it did not condone bullying behavior and the characters were meant to be exaggerated and humorous. However, after receiving numerous complaints about the advertisement directly, and appreciating the current sensitivity around the issue of bullying in New Zealand, Burger King removed the advertisement from air. Settled.

3.

14/537

### Out of the Mouths of Babes. Kids Playing With Puppets Peeves

Fifteen complainants expressed various concerns about the television advertisement for Contact Energy. Children were shown at play imitating everyday family life using puppets and dolls. The children discussed pregnancy and breastfeeding; and pondered matters such as why only mothers breastfed and why Uncle Danny couldn't have babies because he was "married to a boy." While the complaints Board acknowledged the objections raised by Complainants including the time the advertisement

played and the stereotypical positioning of the mother or Uncle Danny, it found that nothing in the advertisement was likely to cause serious or widespread offence. Not Upheld.

4.

14/355

### Context Key in Burger King's Crazy Deal Ad

Twelve complainants said the advertisement showing a man talking to himself was distasteful, discriminatory towards people with mental illnesses, perpetuated negative stereotypes, and was offensive. The Chairman disagreed. She said people would be aware the advertisement was referencing the "crazy" prices and not mental illness and it did not reach the threshold to cause serious and widespread offence to most people. No Grounds to Proceed.

5.

14/125

### BK's Babushka Bride Hard to Swallow

10 complainants were offended about an elderly man wearing an oxygen mask, who said the new beef burger with peppercorn sauce was a match made in heaven. His young and bored Russian wife complained: "When will you die?" The Chairman noted the Advertiser had removed the advertisement as a result of the complaints. In light of the self-regulatory action taken by the Advertiser, the complaint was Settled.

6.

14/590

### Taking the Bull By The Horns. Glassons Bull Riding Gal Steers Clear of Censure

Nine complainants said the advertisement glamorised bull riding while others said abusing an animal was unacceptable. The majority of the complaints Board noted the Advertiser was socially responsible in efforts to minimise any harm to the animals involved in the advertisement. It said the advertisement did not promote animal cruelty. While noting the philosophical opposition to bull riding expressed by some Complainants and taking into

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account generally prevailing community standards, the complaints Board said the advertisement did not reach the threshold to cause serious and widespread offence to most people. Not Upheld.

7.

14/139

### Dark Dilemma Saved By Black Humour

Seven complainants had concerns the advertisement showing the farmer entering a burning building was at odds with education about the dangers of fire. Others said the advertisement reinforced to men that animal cruelty was acceptable, that losing a chainsaw would “undermine their machismo;” and children would be distressed by the lamb’s predicament.

The complaints Board said the theatrical nature of advertisement would indicate to most viewers, including children, that neither the burning building nor the farmer’s indecision about saving the lamb or the chainsaw was a real situation. The complaints Board said the dramatic tension regarding the farmer’s dilemma would make was one of dark humour highlighting the importance of his chainsaw as opposed to showing or encouraging a disregard for an animal. Not Upheld.

8.

14/142

### Tampon Ad Educative Not Offensive

Six complainants said the scene showing the girl searching the internet to see if she had inserted the tampon correctly was too explicit, the advertisement should have been shown later in the evening so children could not see it, it was embarrassing to young women watching the advertisement with men; and was insulting to women. The complaints Board said the scene was not likely to cause serious or widespread or widespread offence to the majority of viewers. The complaints Board said this particular scene had highlighted a concern of many young women when first using tampons and had not portrayed women in a way that degraded them or was exploitative or likely to cause serious or widespread offence to women on the grounds of their gender. Not Upheld.

9.

14/570

### Orcon’s Toupee-Tearing “Freedom Fighter” Satirical

Five complainants said the advertisement for Orcon that featured a man dressed in military uniform ripping off the toupee from an Internet executive was offensive and racist, in light of current world events, and inappropriate for children to see. The complaints Board said the hyperbolic freedom fighter was “fighting” for consumers Internet freedom from ‘unscrupulous’ Internet providers and this was supported by the tagline “Fighting for your Internet freedom.”

It was of the view the advertisement was humorous satire and the association of the executive’s toupee being ripped off by the soldier and jihadist beheadings or scalping were extreme interpretations. Not Upheld.

10.

14/655

### Advocacy Saves NZTA Ad

Five complainants said the reference to “balls” in the NZTA’s advertisement that warned against drinking and driving was offensive and was inappropriate for children to see. The Chairman noted the word “balls” was ranked 25 out of 31 in a survey that looked at the acceptability of expletives on television. She said the term’s low ranking meant it was unlikely to cause serious offence to the majority of viewers and said the importance of the safety message outweighed any offence caused by the use of a crass but mild colloquialism. She said the flippant treatment of the partygoers toward the older men was integral to the premise of the advertisement and to the target demographic. The Chairman said the complaints had No Grounds to Proceed.

2014 was a year of implementation, following the strategic planning of 2013.

The ASA made a significant investment in a governance review by KPMG, to ensure a robust governance structure to take the organisation forward. The ASA members accepted the recommendations from KPMG and the new structure will be in place in 2015.

A new database has been built to better meet the requirements of processing 800 formal complaints a year, over 100 informal enquiries and the provision of advice about code compliance. Database testing was underway by December 2014 and it will be fully operational in early 2015. The ASA website will be updated as part of this project. The ASA has also invested in a refurbished office for the organisation. The décor and furniture has been updated from its 1997 look and is now more fit for purpose as an office environment in 2015.

Work is on-going to improve engagement with both industry and external stakeholders along with a programme of review for the Codes of Practice. Reviews of the Code for Financial Advertising and the Code for Advertising Weight Management Products and Services were completed in 2014 and new Codes are in place.

The ASA runs a robust model of self-regulation, with a high degree of engagement from all sectors of the advertising industry and the public. In a 2013 survey 87% of consumers knew they could make a formal complaint about an advertisement. Having celebrated our 40th anniversary in 2013, ASA members are committed to ensuring the organisation continues to be effective and efficient in setting and supporting standards in advertising.

2014 was a busy time for the Advertising Standards Complaints Board. We completed a full year of meetings every two weeks and as a result, the average time it took to deal with complaints reduced from 18 days to 13 days. I acknowledge and appreciate the willingness of the Complaints Board members to support the increased frequency of meetings.

An additional process of triaging complaints prior to acceptance has assisted in reducing the processing time along with improved technology. Over 80% of our complaints are lodged via the online complaints form on the ASA website, [www.asa.co.nz](http://www.asa.co.nz).

The appeal process has been streamlined, with all appeals now referred directly to the Chairperson of the Appeal Board from 2015.

Television continues to be the most complained about medium, although many of those complaints do not meet the threshold to breach the Codes of Practice. Advertiser websites are the second largest media category for complaint, and many of these are upheld. Education is key for many smaller businesses that are often less aware of the regulatory responsibilities that advertising brings, both under the ASA Codes of Practice and via legislation. The Secretariat plays a key role in the education process.

The nine-member Complaints Board, supported by public and industry alternate members, works hard to carefully adjudicate on the complaints it receives. I would also like to acknowledge the efforts by complainants and industry who continue to engage with the complaints process as part of advertising self-regulation.