

Dancing in Undies Does M

Breach Advertising Codes

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2013 ASA ANNUAL REPORT

*40 years of advertising
self-regulation 1973 - 2013*

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Gesture Gets Thanks

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Dreaming and Drivin

OK - Just



ADVERTISING STANDARDS
AUTHORITY

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**40 YEARS
OF KEEPING
ADVERTISING
HONEST**
asa
ADVERTISING STANDARDS
AUTHORITY

Forty years of effective advertising self-regulation is indeed a milestone. Today we represent an alliance of advertisers, their advertising agencies and all media, working collaboratively to support the founding objectives in a self-regulatory model which is recognised as best practice by peers around the world.

The advertising industry is going through probably the most fundamental transformation in its history as it embraces a myriad of online and on-demand channels to link brands with consumers. At the same time traditional media are rapidly evolving to respond to this new competitive environment.

In response the ASA is adapting in a number of ways. Acknowledging the pace at which campaigns come and go, the ASA in 2013 put in place plans to halve the average time taken to deal with complaints to resolution and we now have a schedule for reviews of all Codes on a regular basis. Responding in this manner to our rapidly changing advertising environment reinforces one of the key advantages of a self-regulatory approach – the ASA is able to act and change quickly. By so doing we believe that self-regulation will remain relevant and effective for many years to come.

The year by numbers

792 792 complaints about
598 advertisements

194 194 duplicate
complaints

313 313 complaints found
to have no grounds
to proceed

285 285 complaints referred
to the Complaints Board

60% 60% of complaints were
upheld or settled

7% 7% of complaints
were appealed

8 8 competitor
complaints dealt
with via adjudication
hearings

18 18 days on average
from receipt of
complaint to notification
of decision

87% 87% of consumers
know they can
complain about an ad

73% 73% of consumers
are aware of the
Advertising Standards
Authority

2.2b+ \$2.274 billion was spent
on media placement in
2013

Top 5 code/rule

38 Advocacy **27** Alcohol **210** Misleading

83 Therapeutic

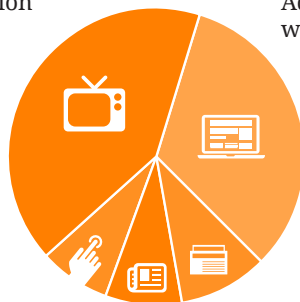
169 Offensive/
Social
Responsibility



Top 5 Media

220 Television

173 Advertiser
websites



40 Interactive

45 Newspaper

51 Radio

Top 5 product categories

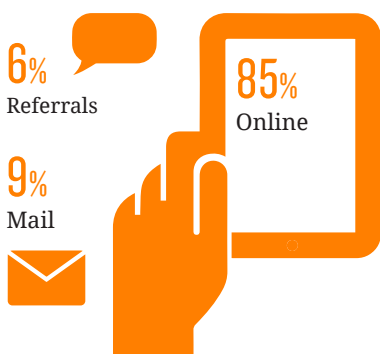


Source of complaints

6% Referrals

9% Mail

85% Online



1.

13/152

Protect Marriage Campaign Ad Saved by Advocacy Rules

Fifty six Complainants felt the advertisement was misleading in a number of ways. However, the Chairman said the identity of the Advertiser was clear and statements in the advertisement were articulating that organisation's particular perspective about the proposed Bill rather than making factual claims. The Chairman said Rule 11 allowed for robust expression of belief or opinion, irrespective of the message which saved the advertisements from reaching the threshold to breach the Advertising Codes. No Grounds to Proceed.

2.

13/487

Anti-Abortion Advertising Confrontational but Allowed

Thirty six Complainants said the suite of television advertisements by Voice for Life were harmful and misleading in a number of ways. The Chairman said the Advertiser had used an individual's experience to advocate against abortion. She reiterated that Rule 11 allowed for robust expression of belief or opinion, irrespective of the message, which saved the advertisements from reaching the threshold to breach the Advertising Codes. No Grounds to Proceed.

3.

13/184

Tui Offers a New Variation on an Old Theme

Eighteen Complainants said the advertisement perpetuated negative attitudes towards same-sex couples and said the advertisement was homophobic. The Chairman said that Tui Billboards were well-known for making provocative statements about topical issues. Taking into account the timing and the context of the advertisement, the Chairman said it did not meet the threshold to breach the Advertising Codes. No Grounds to Proceed.

4.

13/162

Continuing the Condom Conundrum

Eleven Complainants had a variety of issues with the cartoon image of two gay men that appeared in a variety of formats were "incredibly sexual" and that the depiction of homosexual men was "an attack on morality." The Complaints Board said that the depiction of homosexuality was not a ground to uphold a complaint in itself. The majority said none of the advertisements promoting condom use for the prevention of HIV reached the threshold to be likely to offend against generally prevailing community standards. Not Upheld.

5.

13/147

Rav Ad Rankles

Five Complainants expressed concern about the actions of the two men in the Toyota Rav advertisement such as drinking and eating, and racing against other traffic. The Chairman said the purpose of the advertisement was to illustrate the off-road driving capabilities of the vehicle. She said the advertisement did not show any behaviour that reached the threshold to be considered to be glorifying excessive speeds and/or unsafe driving practices. No Grounds to Proceed.

6.

13/206

Dancing in Undies Does Not Breach Advertising Codes

Five Complainants primarily objected to the shots of the men and women's crotch area and what they saw as the "pornographic" movements of the dancers. Others said the advertisement was too explicit for children to watch. The Chairman noted that the underwear worn in the advertisement was not particularly revealing and found that Complainants had taken an extreme interpretation of the images. No Grounds to Proceed.

7.

13/288

Lack of Clarity in Diabetes Advertisement Frustrates

Five Complainants were offended more care had not been taken with the reference to diabetes in the advertisement, which failed to distinguish between Type 1 and Type 2 diabetes. The Chairman acknowledged Complainants' concerns on this issue, but in her view, taking into account the script of the advertisement which highlighted matters relating to lifestyle, the advertisement did not meet the threshold to breach the Advertising Codes. No Grounds to Proceed.

8.

13/327

Dreaming and Driving OK - Just

Five Complainants said the advertisement encouraged unsafe driving as eating and drinking while driving is a common cause of car accidents and said the advertisement's tagline that the new chocolate was an "accident waiting to happen" could have been made in a safer way. The majority of the Complaints Board said most viewers were capable of recognising the distinction between fiction and reality. The obvious hyperbolic nature of the dream sequence was contextually relevant with the Advertiser's tagline "It's an accident New Zealand's been waiting for," rather than encouraging a disregard for safety. Not Upheld.

9.

13/347

Finger Gesture Gets Thumbs Down from ASCB

Five Complainants said the extended finger gesture shown by the radio personality on the billboard advertisement was offensive. The majority of the ASCB said that while the gesture may be "relatively innocuous" to the Advertiser's target demographic, the high visibility of the billboard advertisement and its placement in a central city location meant that the advertisement had an indiscriminate reach that went beyond its target audience. Upheld.

10.

13/413

Nothing Offensive in Sports Bra Ad

Five Complainants said the television advertisement for Berlei Sports Bras that featured women in a gym bouncing on balance ball was inappropriate to show during children's viewing times. The Chairman said there was nothing suggestive or salacious about the sports bra advertisement other than how the product protected women's breasts during sports activities. No Grounds to Proceed.

From the Chief Executive –
Hilary Souter

The ASA is committed to showing the value of advertising self-regulation in maintaining standards in advertising, no matter what platform the advertisement may appear on.

2013 has been a year of planning at the ASA with members and staff investing considerable time in a strategic planning process to critically examine where the ASA needs to be as an organisation in three to five years' time and what steps we need to take now to get there.

As a result, along with celebrating 40 years of advertising self-regulation in 2013, we have adopted a strategic plan to ensure the ASA remains responsive and effective in the face of significant changes in the media and advertising environment. There are five key areas: an enhanced complaints process, a new functional model, wider engagement both with industry and external stakeholders and an equitable funding model.

I would also like to take this opportunity to acknowledge the significant contributions made by Euan Abernethy, Chairperson of the Appeal Board from 2004-2013, and Bob Moffat and Martyn Turner, industry members of the Appeal Board for many years, who are stepping down from these roles. Their long-term support of self-regulation and standards in advertising is sincerely appreciated.

From the Advertising
Standards Complaints Board Chairman –
Jenny Robson

In response to the diversification of media and societal changes, ASA code reviews ensure relevant guidance on advertising standards is given to advertisers and the public alike. This then gives the Complaints Board a sound basis on which to consider complaints.

The nature of the complaints and advertisements considered over the years has been wide and varied, and there have been challenges in meeting the expectations of both complainants and advertisers for timely resolution. Amongst other changes, fortnightly meetings were introduced in November 2013 to help ensure faster results.

Laurie Cameron, inaugural Chairman of the Complaints Board made the following observation and I believe it is still very true of the ASCB today:

“Our ASCB Board (past and present) regardless of what interest they represent, have brought an ethical standard and an honesty of purpose to their deliberations, they have never overlooked their role was to reflect community attitudes and standards and not to set them and they have kept their sense of humour”.