

<b>Complaint NUMBER</b>	17/243
<b>COMPLAINANT</b>	K. Sutherland and L McCaughan
<b>ADVERTISER</b>	Tourism New Zealand
<b>ADVERTISEMENT</b>	Tourism New Zealand
<b>DATE OF MEETING</b>	8 August 2017
<b>OUTCOME</b>	Not Upheld

## **SUMMARY**

The YouTube advertisement for Tourism New Zealand shows a 'journey' around various New Zealand locations, including an image of a woman at the Blue Pools in Haast raising cupped hands of water to her face. The scene then cuts to the woman smelling a handful of green foliage.

There were two complaints received for this advertisement. Their concerns were the advertisement made misleading claims about the quality of the water in New Zealand rivers and there was a safety risk showing someone drinking from a river when many are not safe to drink from.

The majority of the Complaints Board said the advertisement was an aspirational view of New Zealand, depicting experiences that were still possible in this country. The advertisement did not claim that all rivers in New Zealand were safe to drink from and therefore was not misleading and did not encourage unsafe practices.

A minority of the Complaints Board disagreed and said as the likely consumer take-out was the water was safe to drink, the Advertiser should have provided substantiation of the water quality at the location where that part of the advertisement was filmed. As this was not provided, the minority considered the advertisement to be misleading and likely to encourage an unsafe practice.

However, in accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 2 and Rule 12 of the Code of Ethics and Principles 1 and 2 of the Code for Environmental Claims.

This required the Complaints Board to consider whether the advertisement contained any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

The Complaints Board was also asked to consider whether the advertisement contained any statement or visual presentation or created an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, was likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge and if it had been prepared with a due sense of social responsibility, generally and in relation to any environmental claims.

### **The Complaint**

There were two complaints received for this advertisement. In both submissions, the Complainants' were concerned about the image in the advertisement of a woman cupping river water in her hands and lifting it up to her face. Both Complainants took this to mean the woman was about to drink the water and the Complainants' were concerned that this gave the false impression that it was safe to drink from New Zealand rivers when recent studies indicate otherwise.

### **The Advertiser's Response**

The Complaints Board acknowledged the Advertiser's response that the woman was not actually shown drinking the water and the image cut to her smelling foliage. The Advertiser said the advertisement was designed to show consumers dreaming about a holiday in New Zealand how easy it is to go from place to place and experience to experience.

### **The Complaints Board Discussion**

The Complaints Board began by discussing the likely consumer take-out of the woman raising cupped hands of water to her face. The Complaints Board agreed the woman appeared to be about to drink the water.

The Complaints Board agreed the advertisement was an aspirational view of New Zealand, showing the most beautiful and pristine areas of the country. The advertisement showed the type of experiences it is possible to have in New Zealand. The Complaints Board agreed it was still possible to drink water from certain locations in New Zealand. The Advertiser had confirmed the scene was filmed at the Blue Pools in Haast which does have export quality, alpine water.

The Complaints Board acknowledged that there were no explicit claims made within the advertisement that all water in New Zealand was safe to drink. The Complaints Board agreed the image of the woman lifting the water to her mouth was a fleeting shot and not a major focus of the overall advertisement.

The majority of the Complaints Board said the advertisement had been selective in its choice of locations, focusing on images of an unspoilt New Zealand landscape. As these were actual places and obtainable experiences, the Complaints Board agreed that the advertisement was not misleading or encouraging dangerous practices. The majority of the Complaints Board ruled the advertisement had not met the threshold to breach the Code of Ethics or the Code for Environmental Claims.

A minority of the Complaints Board disagreed. The minority confirmed that the likely consumer take-out of the advertisement was that the woman was drinking the water. In the minority view, in order to show the advertisement was not misleading or encouraging a dangerous practice, the Advertiser should have provided information on the water quality at the location in question.

As this information was not part of the response the minority of the Complaints Board said the advertisement was misleading and encouraged an unsafe practise.

However, in accordance with the majority, the Complaints Board ruled to Not Uphold the complaint.

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## **DESCRIPTION OF ADVERTISEMENT**

The YouTube advertisement shows a journey through various locations and experiences in New Zealand such as tramping, diving, skiing. The journey shows the beautiful landscape of New Zealand and in one scene a woman is shown cupping river water in her hand and bringing it to her face. The advertisement ends with the 100 pure New Zealand slogan.

## **COMPLAINT FROM K SUTHERLAND**

At 1 minute 20 seconds during the 100% Pure New Zealand's advertisement, it shows a woman drinking water directly from the river.

'Principle 1 – Advertisements making an environmental claim should be prepared with a due sense of social responsibility to consumers and to society.'

The claim being made in this advertisement is that New Zealand rivers and waterways are safe to drink from. This is completely misleading and dangerous given 61% of monitored waterways in New Zealand are unsafe for swimming, let alone drinking. The social responsibility of TNZ is to be honest with tourists both within New Zealand and overseas about the dangers of drinking river water. About half of river sites monitored for E-coli nationwide had median levels unsafe for livestock to drink, let alone humans, according to data from the New Zealand Ministry for the Environment. This is widely accepted in the scientific community.

'Principle 2 – Advertisements making environmental claims should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer.'

This visual presentation gives the overall impression that tourists can drink straight from rivers, which is an exaggerated claim given most waterways in New Zealand are low lying and polluted, especially in and near cities where most of the population resides. This is misleading and deceptive and could cause physical harm to tourists. An example being if tourists watched the video, drove for an hour out of Christchurch and decided to drink straight from the Selwyn river, which would guarantee a hospital visit and possibly even death. Given the nature of tourists to go off the beaten track in NZ, and the lack of signs along all our river lengths, this has the potential to cause serious harm.

'Rule 12: Safety – Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.'

As mentioned above, this advertisement jeopardizes the safety of tourists within New Zealand. Tourists aren't expected to research water quality in NZ and this may be the only piece of information they see in regards to the health of our waterways and the potential for harm if consumed.

All advertisers are bound to be socially responsible for messages implied within their marketing, and this should be judged based on what message someone who is not aware of river health in New Zealand receives. The question "does this advertisement lead you to believe it is safe to drink from rivers in New Zealand" should be asked.

Based on Basic Principle 1 and 2, and Rule 12 of the Code of Ethics being broken and the potential harm this visual imagery could cause to human health, this ad should have the drinking of river water removed so as to not mislead and potentially harm tourists within New Zealand.

### COMPLAINT FROM L MCCAUGHAN

Time mark 1:23 <https://www.youtube.com/watch?v=d3WXJQ0PSS4>

This falsely shows New Zealand rivers are safe to drink from, no river in NZ is safe to drink from anymore.

### CODE OF ETHICS

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 2 Truthful Presentation:** Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

**Rule 12 Safety:** Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

### CODE FOR ENVIRONMENTAL CLAIMS

**Principle 1:** Advertisements making an environmental claim should be prepared with a due sense of social responsibility to consumers and to society.

**Principle 2:** Advertisements making environmental claims should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

### RESPONSE FROM ADVERTISER: TOURISM NEW ZEALAND

A basic, neutral description of the advertisement	Tourism New Zealand's latest 100% Pure New Zealand video that forms one part of its global destination marketing campaign. This video is designed to find people "dreaming" about a New Zealand holiday.
Date advertisement began	3 July

Where the advertisement appeared	Digital channels internationally but also available on Tourism New Zealand digital channels <a href="http://www.newzealand.com/int">www.newzealand.com/int</a>
Is the advertisement still accessible – where and until when?	Permanently available <a href="https://www.youtube.com/watch?v=d3WXJQOPSS4">https://www.youtube.com/watch?v=d3WXJQOPSS4</a>
Who is the product / brand target audience?	People ‘dreaming’ about a holiday in New Zealand from target markets globally
Clear substantiation on claims that are challenged by the complainant.	<p>The woman does not drink the water. As she raises a handful of water to her face the scene cuts away and transitions to where she is raising a handful of leafy greens to her face to smell. This transition of scene to scene is how we communicate the ease of which visitors can go from place to place, experience to experience.</p> <p>The scene was shot at the Blue Pools in Haast, part of the UNESCO World Heritage site and an authentic experience that visitors can have while in New Zealand. <a href="http://whc.unesco.org/en/list/551">http://whc.unesco.org/en/list/551</a></p>
What platform tools have you used to target your audience?	<p>Facebook / Instagram</p> <p>YouTube</p> <p>Tencent Video (China only)</p> <p>Yahoo (India only)</p> <p>All targeting Active Considerers of New Zealand (people who have high intent on travelling to New Zealand)</p>