

COMPLAINT NUMBER	22/039
ADVERTISER	Waka Kotahi/NZ Transport Agency
ADVERTISEMENT	Road to Zero -Booth, Television
DATE OF MEETING	22 March 2022
OUTCOME	Not Upheld in Part, Settled in Part No Further Action Required

Summary of the Complaints Board Decision

The Complaints Board did not uphold complaints about a television advertisement for Waka Kotahi/NZ Transport Agency's Road to Zero campaign. The Complaints Board said the advocacy advertisement was justified on educational grounds and the issue of a media placement error had been settled.

Advertisement

The 60-second Waka Kotahi NZ Transport Agency television advertisement promotes the Road to Zero strategy. It shows a father and his two children spending time together driving through the countryside. The car pulls up to a toll booth. The father asks, "how much?" to which the woman operating the booth replies, "just the little one today", looking at the man's daughter. The advertisement shows a montage including a close up of the bereft father. The advertisement ends with the text, "IT'S TIME WE STOPPED PAYING THE ROAD TOLL / WE HAVE A VISION TO REACH ZERO DEATHS BY 2050" and shows the logos for Waka Kotahi, the New Zealand Government, the Road to Zero campaign and the URL roadtozero.govt.nz.

Summary of the Complaint

11 Complainants were concerned the advertisement was:

- Dark in nature and content
- Inappropriate for children who do not need further fear at this time
- Frightening, cruel and distressing
- Not good for people's mental health, especially those who have lost a loved one
- Goes way too far increasing viewers fears and anxiety
- Shock tactics with an unclear message, especially as the driver being stopped has done nothing wrong
- One Complainant thought it was showing a kidnapping by a policeman
- Campaigning for an unattainable goal

Issues Raised:

- Social Responsibility
- Truthful Presentation
- Fear and Distress
- Advocacy Advertising

Summary of the Advertiser's Response

The Advertiser said Road to Zero campaign is underpinned by a vision of zero deaths and serious injuries on New Zealand roads. The first step is aimed at reducing deaths and serious injuries by 40% by 2030. The Advertiser said the concept is to stop the complacency about New Zealand's "road toll" being inevitable.

The Advertiser said the hard-hitting campaign is needed to change the public road safety narrative from individual driver behaviour to road safety being everyone's responsibility. The advertisement aims to humanise the "road toll" and was tested on the target audience of 18+ age group.

A full copy of the Advertiser's response is in Appendix 2.

Summary of the Media Response

The Commercial Approvals Bureau (CAB) confirmed the advertisement was rated GXC. It agreed the advertisement was extremely confronting and this was reflected in the GXC rating. CAB said the advertisement fell under the advocacy umbrella and portrayed an important message which needed to reach as many people as possible.

A full copy of the Media's response is in Appendix 3.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to three precedent decisions, Decision 20/045 was No Upheld by the Complaints Board, 18/022 and 21/445 which were both ruled No Grounds to Proceed by the Chair of the Complaints Board.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 20/045 concerned a television advertisement from Spend My Super which showed images of babies being discarded from a conveyer belt. The Complainants were concerned the images were disturbing and exploitative.

The Complaints Board did not uphold the complaints and said the advertisement used a metaphor of a factory production line to illustrate a statistic about child poverty. The Board agreed the imagery was confronting to some consumers but did not meet the threshold to breach the Advertising Standards Code.

Decision 18/022 concerned an advocacy television advertisement from NZ Transport Agency which showed a Traffic Officer attending various stages of traffic accidents including the crash, the mortuary and delivering the news to family members. The Complainants were concerned the advertisement was upsetting, inappropriate and insensitive.

The Chair of Complaints Board ruled there were No Grounds for the complaints to proceed and said the advertisement was raising awareness about the causes of traffic accidents and highlight the risks associated with irresponsible driving. The Chair said the hard-hitting images were intrinsic to the advertisement's credibility.

Decision 21/445 concerned an advocacy television advertisement from the New Zealand Blood Service which showed a montage of people experiencing medical emergencies in order to advocate for the need for blood donors. The Complainants were concerned the advertisement was disturbing and inappropriately placed.

The Chair of Complaints Board ruled there were No Grounds for the complaints to proceed and said the advertisement had been placed within the constraints of the afforded GXC rating. The Chair said the hard-hitting nature of the advertisement reflected the urgent need for the call to action behind the messaging to donate blood.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: Government campaign to reduce New Zealand's road toll
 - Medium: Television
 - Audience: Adult consumers
 - Product: Government advocacy advertising

Role of the ASA when considering an advocacy advertisement.

The Complaints Board noted its role is to consider the likely consumer takeout of an advertisement and complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

The Complaints Board observed that in a free and democratic society, issues should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear.
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

Application of the Advertising Standards Code to this advocacy advertisement

Waka Kotahi/NZ Transport Agency is the government body responsible for educating the public on road safety issues. The role and jurisdiction of the Advertising Standards Authority (ASA) in advertising from expert bodies was addressed in *Electoral Commission v Cameron* [1997] 2 NZLR 421. In accordance with the findings of the Court of Appeal, the ASA was required to “tread carefully” and ensure that it did not substitute its opinion for that of the expert body.

In reviewing the complaint about this advertisement, the Chair took into account the role of advocacy advertising, the liberal interpretation of the Codes required by the Advocacy Principles, the application of *Cameron*, the likely consumer takeout, and the context for the advertising; the government educating the public in an attempt to reduce the road toll.

Is the identity and position of the Advertiser clear?

The Complaints Board confirmed the identity and position of the Advertiser was sufficiently clear for the advertisement to be considered as advocacy advertising. The Board noted the advertisement included the logos for Waka Kotahi, the New Zealand Government, the Road to Zero campaign and the URL roadtozero.govt.nz. The Board also agreed the position of the Advertiser was clearly signalled in the final text on screen stating “We have a vision to reach zero deaths by 2050”

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was that Waka Kotahi/NZTA is promoting the road to zero campaign goal of no deaths on New Zealand roads by 2050. The Board said the advertisement was personalising road death statistics by showing that future victims could be a person close to you, such as your child.

Is the advertisement likely to confuse consumers?

The Complaints Board agreed the advertisement was unlikely to confuse most consumers. The Board noted parts of the 60 second advertisement were described in the Advertiser’s response as being “otherworldly” and agreed the viewer needed to see the entire message before understanding the concept behind the creative. The Board noted some Complainants had interpreted the toll booth visual as showing a kidnapping, however it did not consider that to be most consumers’ takeout. The Complaints Board also accepted that the Advertiser’s message that the driver has not done anything wrong but still suffered loss, may not have been understood by all consumers but that did not make the advertisement misleading.

The Complaints Board said the advertisement did not reach the threshold to breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

Is the advertisement likely to cause fear and distress without justification?

The Complaints Board agreed the advocacy advertisement, campaigning for lower road deaths, did not cause unjustifiable fear or distress. The Complaints Board agreed the advertisement was hard-hitting and had a foreboding tone by suggesting the upsetting scenario of a father’s young daughter becoming a road toll statistic. The Board said the Advertiser was justified in using such messaging in order to try and humanise New Zealand’s “road toll” and to help reduce the road toll.

The Complaints Board said the advertisement did not breach Rule 1(g) of the Advertising Standards Code.

Has the advertisement been placed with a due sense of social responsibility?

The Complaints Board agreed the advertisement had been placed within the constraints of its afforded rating, with the exception of a placement in a G-rated movie, which was the result of a media error.

The Complaints Board said the advertisement had been given a GXC rating by the Commercial Approvals Bureau (CAB). A GXC rating (General Except Children) means the advertisement may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The Complaints Board noted that for 10 of the Complainants the advertisement had played during the following programmes: *Gold Rush*, *Salvage Hunters*, *The Simpsons*, *Harry Potter and the Deathly Hallows Pt 2*, *The Big Bang Theory*, *Shortland Street*, *Barnwood Builders*, which are all rated PG (Parental Guidance recommended).

The Board noted the advertisement had also screened during *TV1 News*, which is categorised as Unclassified Programming. The Broadcasting Standards Authority refers to Unclassified Programming as “news, current affairs, sports and live content that is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate.”

The Board noted one Complainant had seen the advertisement during the movie *The Silver Brumby*, which was rated G (General Viewing) on Māori Television on 13 February 2022. The Board referred to the Advertiser’s response which confirmed this placement was a scheduling error and that processes had been put in place to ensure this did not occur again.

The Complaints Board agreed that the media’s acknowledgement of this error meant the placement aspect of that complaint was settled.

Has the advertisement been prepared with a due sense of social responsibility?

The Complaints Board unanimously agreed that while the advertisement may be distressing to some viewers, the important message it conveyed was justified on educational grounds. The Board said the Road to Zero campaign was an aspirational vision of the future of road safety in New Zealand and had been prepared with a due sense of social responsibility.

The Complaints Board said taking into account context, medium, audience and product and when viewed through the lens of advocacy, the advertisement was not in breach of Principle 1, Principle 2 or Rules 1(g), 2(b) or 2(e) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Not Upheld. in Part, Settled in Part**

No further action required

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website, www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.

APPENDICES

1. Complaints
2. Response from Advertiser
3. Response from Media

Appendix 1

COMPLAINT 1

The advert is foreboding and dark, and depicts a father being required to pay a 'toll' of the life of his youngest daughter. I believe due to the dark nature and content of this advert young viewers should not be exposed to this unethical 'safety' message and it should not be allowed to air during hours that underaged/children might see it. On their website NZTA acknowledge this 'Booth' video may be hard for some to watch and if this road safety conversation is hard for you, they encourage you to call Victim Support.

COMPLAINT 2

We get that people really really do need to be safer on our roads, but the latest add we have watched today with the toll keeper wanting to take the "little one" as the toll is taking the message too far. It takes some time to become clear to the viewer, is frighteningly grim and cruel, the driver has not appeared to have done anything wrong, and it certainly does nothing for the mental health of those who have lost a loved one during a driver experience, their fault is not.

Please rethink this campaign and it's shock tactic with an unclear message.

COMPLAINT 3

I wish to bring your attention an advert that I found frightening and appalling. My concern is that young children will be absolutely terrified by the advert - I have Grandchildren who would be profoundly upset by the advert in my view.

My suggestion would be as strong as to suggest you have flighting of this advert suspended immediately while you form a view.

As it is by a Government agency it makes this example of poor judgement all the more concerning - particularly when we have a PM constantly waxing lyrical about care for the community. This could, I believe significantly concern Ms Ardern and some of her cabinet.

The advert is by The NZ Transport agency - focussed on the road toll. It is hard hitting to say the least. Interesting also that NZTA ignore very obvious methods of reducing accidents and potentially the road toll - yet produce this piece.

COMPLAINT 4

Ad showed a police officer stopping a car with family members demanding the child to be handed over. The intent of the ad was to promote Waka Kotahi's campaign to lower the road toll by reducing speed. It was shocking and distressing to both myself and my husband to see what we initially thought was a kidnapping by a traffic officer. As soon as we realised what was happening we fast forwarded the ad.

COMPLAINT 5

NZ transport has the ideal to bring the road toll to zero.

In my opinion the advert is highly disturbing and I actually did not even understand it for starters. I was thinking about toll roads! For children to see that they will be asked to be offered up as a road toll must be pretty scary if not very confusing.

COMPLAINT 6

This is very dark and threatening. The message is confused and really does not have anything to do with road safety. In light of the present circumstances in this country I feel it is insensitive with the use of a toll/ road block. Payment to be with the youngest child. Shameful.

COMPLAINT 7

Broadcasted 3 times in a row. Was quite a disturbing advert. As well as lengthy. Didn't appreciate the comment 'just the little one today' referring to taking a little child.

COMPLAINT 8

This is an NZTA advertisement showing a man and his 2 children in a car being stopped at a toll booth. The toll required is taking the small child. This ad is very dark and scary. In our present covid environment this is very scary and fearful for all children, as the ad is being shown all hours of the day and night, with the present environment we are living in this is adding more fear for our children and I request this ad be removed at this time, You have a responsibility for our childrens mental health.

COMPLAINT 9

I question the appropriateness of this advertisement especially if children are watching. There is potential to misinterpret this ad. With current news items addressing sexual abuse I couldn't work out what the advertisement was for and interpreted it as an anti child abuse advertisement until Waka Kotahi logo appeared at the end of the ad. This was the most distasteful ad I have had the misfortune to watch.

COMPLAINT 10

The new ad aiming for zero road toll by 2050, is extremely upsetting and disturbing. The way it is filmed creates the sense of a thriller movie. The scene depicting a father and his children approaching a toll booth and the toll agent very slowly saying 'just the young one' is not necessary. It creates fear for my young children and increases my own anxiety around driving. The people this ad is aimed at - the ones who drive recklessly- do not care about this type of ad. However, my family is subjected to a very upsetting and long advertisement. All it does is serve as a reminder that we could be killed in a car accident at any moment. I understand the need to reduce the road toll, and this is something I support. However, this advertisement goes way too far in creating fear and anxiety. I have seen it played multiple times throughout the evening and when my young children were around. This ad should be removed.

COMPLAINT 11

Know one wants anyone to die on the roads but as much as you stupid fucks running the country want accidents to go away they happen. A zero road tole is Unattainable but mostly showing a guy driving completely normal not speeding or anything have to pay a tole of the death of his daughter is fucking stupid especially in the current climate.

Appendix 2**RESPONSE FROM ADVERTISER,**

Thank you for your letter dated 23 February 2022 and for the opportunity to defend the complaints you have received concerning our recent *Booth* advertisement. Waka Kotahi NZ Transport Agency (Waka Kotahi) is pleased to respond.

You have received 11 complaints about our *Booth* advertisement. Of the complaints received:

- nine mention the advertisement is dark/distressing/scary
- six mention viewing by and potential impact on children
- one person appears to be confused about the message/advertisement, believing it to be about a kidnapping by a traffic officer

- one complaint appears to believe the vision of zero deaths on our roads by 2050 is unattainable and therefore the advertisement is, and I quote, “stupid”.

Our assessment of the latter two complaints noted above is that, for one, it is not clear they are referring to the *Booth* advertisement and for the other, it appears to be an observation about/commentary on the advertisement as opposed to a complaint about the content of the advertisement.

Based on the above summary, this defence addresses the remaining nine complaints to be put before the Advertising Standards Complaints Board (Board). The relevant sections of the Advertising Standards Code (Code) identified by the Board are: Advertising Standards Code – Principle 1, Principle 2, Rule 1(g), Rule 2(b) and Rule 2(e).

The details of the *Booth* advertisement are outlined in Appendix 1.

Principle 1: Social Responsibility

Principle 1 of the Code states that advertisements must be prepared and placed with due sense of social responsibility to consumers and to society. Specifically, the Board has identified *Rule 1(g) Fear and distress*, which states that “*advertisements must not cause fear or distress without justification. If it can be justified, for example on educational grounds, the fear or distress must not be excessive.*” Waka Kotahi is confident that this aspect of the Code has been met.

The New Zealand Government has a vision of an Aotearoa where no one is killed or seriously injured on our roads.

Road to Zero, New Zealand’s road safety strategy, was launched by Te Manatū Waka | Ministry of Transport in 2019 and Waka Kotahi is the government agency leading its delivery. Underpinned by a vision of zero deaths and serious injuries in Aotearoa, Road to Zero is the first step in achieving this vision and specifically aims to reduce deaths and serious injuries on New Zealand roads by 40 percent by 2030 (based on 2018 levels). Road to Zero is centred around a safe system approach, one where we assume people will make mistakes (while not doing anything wrong) and the system is designed to prevent death and/or serious injury.

On average, one person dies every day on our roads and around seven more are seriously injured. We refer to and report these deaths as the “road toll”. New Zealand has become numb to and complacent about the “road toll” and evidence shows that while many think any death on our roads is unacceptable, there is still a large number that tolerate and accept death on our roads as the price we pay for mobility.¹

This “road toll” or price is in fact people – mothers, fathers, brothers, sisters, daughters, sons, uncles, aunties, friends, neighbours, colleagues.

Waka Kotahi has a history of creating hard hitting and effective road safety campaigns. For the last 20-plus years these have largely been focused on individual driver behaviour issues such as drink driving, drug driving, seatbelt use and speed. To support and enable the delivery of the Road to Zero strategy, a step change is required in the public road safety narrative and our beliefs and attitudes to road safety. A change from the focus

¹ Public Attitudes to Road Safety Survey, Kantar September 2021 – 47 percent of respondents think zero deaths on our roads are acceptable in the next 12 months. While 33 percent of respondents think more than 100 deaths on our roads are acceptable in the next 12 months, including 10% who think more than 300 deaths are acceptable.

solely on the individual, which many New Zealanders relate to as not about them, to road safety is everyone's responsibility.

The first component in working towards this step change is to humanise our "road toll" and overcome the indifference to and acceptance of people dying and suffering life changing and often life-long injuries as a result of making a mistake.

For *Booth*, the first advertisement in our Road to Zero public awareness campaign, we purposely and unapologetically set about creating an advertisement that elicited an emotional response to the road toll by reminding people that this "toll" we blindly refer to is actually human lives. It was our strategy to disrupt peoples thinking, to jolt them out of complacency and have them question this acceptance of deaths and serious injuries on our roads. Given the apathy that exists we believe this is a necessary step to reset this very important conversation and critically, for New Zealanders to reengage in it.

Testing of the creative concept was carried out in January 2022² with the target audience of 18+ to help us walk this fine line. As the marketing campaign is not targeted at young people, it was not tested with this audience.

Our testing found no red flags with regards to the content of or unintended messages from the *Booth* advertisement. In fact, the advertisement rated well across all key attributes including delivering its key message and being attention grabbing. In particular, the safe system focus and the absence of calling out individual driver behaviour was noted by some respondents who appreciated the unconventional approach to communicating a road safety message. A number of respondents commented that the nature of the advertisement made them stop and think about the state of road safety in general.

Since the *Booth* advertisement has gone to air we have received, via our social media channels, close to 3,000 comments. Of those comments only 4 percent were about the advertisement in general and covered the money spent on the campaign, praise for the advertisement and dislike for the advertisement. As at the date of this letter, there have only been six comments about the content of the advertisement itself.

Prior to production, the script was rated by CAB as GXC (General Except Children's Programmes; may be broadcast at any time except during programmes which are intended specifically for children under the age of 13). After production, the advertisement was viewed by CAB and the GXC rating was confirmed. All media scheduling was approved on this basis.

We acknowledge that the advertisement may be confronting to some viewers. New Zealand's road safety tragedy is also confronting and we sought to handle the conversation sensitively, but without dilution. While developing the campaign we also worked with Victim Support³ and Brake⁴ to first test the idea and second to ensure that people knew where to get support services if they needed them. As well as promoting the Victim Support 0800 number on *Booth* materials (online and not broadcast media versions), a video was developed and promoted online at the same time as the advertisement to promote the services of Victim Support and Brake. This video can be viewed at the following link: www.youtube.com/watch?v=FYTRyEkss5U

² Road to Zero Disrupt and System TVC pre-test, Waka Kotahi, February 2022.

³ [Victim Support](#) provides a free, nationwide support service for people affected by crime, trauma, and suicide in New Zealand. They help their clients to find safety, healing, and justice after crime and other traumatic events.

⁴ [Brake](#) is a national road safety charity that works to prevent road deaths and injuries and to support people bereaved and injured in crashes across New Zealand.

Principle 2: Truthful Presentation

Principle 2 of the Code states that advertisements must be truthful, balanced and not misleading. Specifically, the Board has identified Rules 2(b) and 2(e).

Rule 2(b) Truthful presentation of the Code states that *“advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.”*

Waka Kotahi firmly believes that the *Booth* advertisement does not mislead or attempt to deceive or confuse New Zealanders. As outlined above under our defence of Principle 1, the purpose of *Booth* is to disrupt peoples thinking, to jolt them out of complacency and to remind them that the “toll” we blindly refer to is actually human lives.

The dominant road safety narrative is that reckless or dangerous drivers are the ones who cause crashes. We know from a recent New Zealand study that in around 50 percent of crashes where people were killed and in about 70 percent of crashes where people were seriously injured, drivers had generally followed the road rules.⁵ Rather than reckless or dangerous behaviour, people had simply made a poor decision or something unexpected happened. *Booth* intentionally shows a driver doing nothing wrong and still suffering loss. This is representative of what is happening every day across New Zealand’s roads.

Rule 2(e) Advocacy advertising of the Code states that *“advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser’s position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.”*

The advertisement seeks to remind New Zealanders that the “road toll” they blindly accept is, in fact, peoples lives. New Zealand’s *Road to Zero* strategy is underpinned by the belief that people make mistakes, but they shouldn’t have to pay with their lives or their limbs as a result. In other words, the only acceptable number is zero. This strategy follows an evidence based, global best practice approach to reducing road deaths and serious injuries.

Further, and as required by the Code, the advertisement clearly identifies that it is a New Zealand Government and Waka Kotahi advertisement and the advert clearly directs people to the Road to Zero website where they can find reliable information.

Waka Kotahi is proud of the *Booth* advertisement and the impact it has had in bringing the road safety conversation back into focus in such a short space of time. This is an important conversation that has to be had with New Zealanders. The indifference to people paying for mistakes on the road with their lives and limbs is unacceptable.

Waka Kotahi firmly believes that it has followed all aspects of the Code to the letter and we trust we will be able to retain the ability to broadcast this video story.

A basic, neutral description of the advertisement	A family of three are on a daytime excursion. Returning home, they are driving on a remote road, doing a family road trip – dad and boy in front seat, the
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⁵ The AA Research Foundation *Serious Injury Crashes report* 2017.

	<p>little girl in back seat. They're chatting. Dad sees a toll booth on the side of the road which looks odd as it's such a remote area. He's puzzled but pulls over, preparing to pay. He asks: "How much?". The toll booth lady, who is oddly 'otherworldly' leans, looks at the little girl and says: "Just the little one today". Final scenes show an upset dad thinking back to the girl now gone. End frames say: "It's time we stopped paying the road toll. We have a vision to reach zero deaths by 2050."</p>
Date advertisement began	13 February 2022
Where the advertisement appeared (all locations) e.g.: TV, Billboard, Newspaper Website	Television, cinema, Facebook, Instagram, Waka Kotahi website, digital (Stuff and New Zealand Herald)
Is the advertisement still accessible – where and until when?	<p>First flight in market: 13 February – 2 April 2022</p> <p>Second flight in market: 10 April – 24 April 2022</p> <p>The advertisement is also available on the Waka Kotahi website: www.nzta.govt.nz/safety/what-waka-kotahi-is-doing/marketing-campaigns/current-marketing-campaigns/booth/</p>
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	<p>The advertisement is available on the Waka Kotahi website: www.nzta.govt.nz/safety/what-waka-kotahi-is-doing/marketing-campaigns/current-marketing-campaigns/booth/</p>
<p>Who is the product / brand target audience?</p> <p>Please provide a copy of the media schedule.</p>	All New Zealanders 18+
Pre-vetting Approval number if applicable	N/A

Clear substantiation on claims that are challenged by the complainant. Please see the Guidance Note.	Please refer to the letter.
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	Not an issue.
For Broadcast advertisements:	
A copy of the script	<p>[DAD] That's cool aye?</p> <p>[BOY] What is always in front of you ...</p> <p>[BOY] But can't be seen?</p> <p>[DAD] What?</p> <p>[BOY] The future.</p> <p>[DAD] That's a good one.</p> <p>[DAD] What's going on?</p> <p>[DAD] What's this?</p> <p>[TOLL BOOTH LADY] A toll.</p> <p>[DAD] Ah okay uh how much?</p> <p>[TOLL BOOTH LADY] Just the little one today.</p> <p>[GIRL] Dad.</p> <p>[BOY] Dad.</p> <p>[GRAPHIC] It's time we stopped paying the road toll.</p> <p>[GRAPHIC] We have a vision to reach zero deaths by 2050.</p> <p>[END FRAME] Road to Zero Logo</p> <p>[END FRAME] www.roadtozero.govt.nz</p>
CAB key number and rating	CAB Key Number: NTA0278

	Rating: GXC General Except Children's Programmes. May be broadcast at any time except during programmes which are intended specifically for children under the age of 13.
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ADDITIONAL INFORMATION FROM ADVERTISER REGARDING PLACEMENT IN A G RATED PROGRAMME

I have spoken to our agency, FCB New Zealand (FCB), and they have confirmed that Maori Television incorrectly placed *Toll Booth* in The Silver Brumby on 13 February 2022.

I am advised that, unlike other channels, FCB brief Maori Television based on a budget that they then distribute across their programming. This programming is selected at their end, as opposed to FCB buying a "spot". In this situation it is the television networks scheduling teams responsibility to check the CAB rating against their programming to ensure that everything is in order.

FCB have also advised that, after some comments on social media, and after *Toll Booth* ran during The Silver Brumby on 13 February 2022, they raised the CAB rating for *Toll Booth* with Maori Television, making it clear that *Toll Booth* had a GXC CAB rating and that it was not suitable for G rated shows like The Silver Brumby. FCB have asked that Maori Television double-check all spots for *Toll Booth* to ensure that they are appropriate and for more mature audiences. FCB are confident that the CAB rating for *Toll Booth* has been made clear to Maori Television and that they are now cross-checking all spots against the CAB rating. It is our understanding that there have been no further instances of *Toll Booth* appearing in G rated environments since then.

Appendix 3

RESPONSE FROM MEDIA,

Complaint 22/039

Waka Kotahi

Key: NTA0278TB60

Classification: GXC

This advertisement for Waka Kotahi was approved with a 'GXC' (General Except Children's Programming) classification.

The Government has recently announced that Waka Kotahi has begun an intensive Road to Zero campaign. The campaign has received considerable coverage across all media. Their vision is to have every person travelling by any mode of transport reaching their destination safely. The entire campaign will cover a number of factors and this first set of television advertisements is for 'Toll Booth'.

As the closing graphics state:

"It's time we stopped paying the road toll. We have a vision to reach Zero Deaths by 2050".

CAB agrees the material is an extremely confronting watch for many, hence our GXC classification. However, we also believe the material clearly falls under the advocacy umbrella and it is important that the message reaches as many people as possible.

Over the years there has been acceptance that NZTA (Waka Kotahi) advertisements, with their advocacy messages, have always been treated more leniently in their classifications than other advertising material. For this reason, despite the agreed disturbing vision, CAB contends the complaints should not be upheld.