

# ADVERTISING REGULATION

The Advertising Standards Authority (ASA) provides industry regulation of advertising in New Zealand. The Advertising Codes of Practice are the rules by which all advertisements in all media should comply. In addition to the Codes of Practice, 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:	<a href="#">Commerce Commission</a>
Making a complaint:	<a href="#">Commerce Commission online report form</a>
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:	<a href="#">Department of Internal Affairs</a> and NZ Police
Making a complaint:	<a href="#">Department of Internal Affairs complaint or inquiry</a>
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: [Smoke-free Environments Act 1990](#)

Regulates:	Advertising of tobacco products
Administered by:	<a href="#">Ministry of Health</a>
Making a complaint:	<a href="#">Smoke-free Enforcement Officers</a>
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:	<a href="#">Manatū Taonga Ministry for Culture and Heritage</a> and <a href="#">Ministry of Justice (Section 20)</a>
Making a complaint:	<a href="#">Ministry of Justice (Section 20)</a> <a href="#">Manatū Taonga Ministry for Culture and Heritage</a>
Penalties:	A fine of up to \$50,000 for a company (and up to \$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:	<a href="#">Ministry for Business, Innovation and Employment</a>
Making a complaint:	<a href="#">Ministry for Business, Innovation and Employment</a>
Penalties:	Civil and criminal enforcement measures available. Fines of up to \$150,000.

### REGULATORY FRAMEWORK: [Electoral Act 1993](#)

Regulates:	Election advertising
Administered by:	<a href="#">Electoral Commission</a> and NZ Police
Making a complaint:	Electoral Commission <a href="#">Complaints</a>
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:	<a href="#">Ministry for Primary Industries</a>
Making a complaint:	<a href="#">Ministry for Primary Industries</a> Complaints
Penalties:	For non-complying advertising, a fine of up to \$250,000 for a company, and up to \$100,000 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) <a href="#">National Guidance</a> on alcohol promotions: Off-Licensed Premises
Administered by:	<a href="#">Ministry of Justice</a> and the NZ Police
Making a complaint:	Contact the <a href="#">alcohol licensing team at your local council</a>
Penalties:	Up to \$10,000 fine and/or licence suspension for up to 7 days

# ALCOHOL ADVERTISING (Alcohol Banned Prize)

REGULATORY FRAMEWORK: [Gambling Act 2003](#)

Regulates:	Prize competitions (Gambling (Prohibited Property) <a href="#">Regulations 2005</a> ), sales promotion schemes ( <a href="#">Fact Sheet</a> )
Administered by:	<a href="#">Department of Internal Affairs</a> and NZ Police
Making a complaint:	Department of Internal Affairs <a href="#">Gambling Compliance</a>
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 Services Legislation Amendment Act 2019](#) and [fair dealing provisions of the Financial Markets Conduct Act 2013](#)

Regulates:	false, misleading or confusing conduct and unsubstantiated representations (including how <a href="#">financial advisors</a> <a href="#">advertise</a> their service, <a href="#">prospectus and information statements</a> , Kiwisaver etc.)
Administered by:	<a href="#">Financial Markets Authority</a>
Making a complaint:	Financial Markets Authority <a href="#">Make a Complaint</a>
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:	<a href="#">Commerce Commission</a>
Making a complaint:	<a href="#">Commerce Commission online report form</a>
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 <a href="#">Complaints</a>
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.