

**CELEBRATING OUR YOUNG ACHIEVERS TODAY,  
RECOGNISING OUR LEADERS OF TOMORROW.**

**CAPITAL TRAINING RESILIENCE AWARD**

Celebrating an inspiring person who has overcome personal challenges.

*Winner receives a \$500 grant, sponsored by Capital Training*

**YOUTHTOWN MANAAKITANGA AWARD**

Celebrating a person who demonstrates kindness, caring and compassion towards others - 'Not all heroes wear capes'.

*Winner receives a place on the Youhtown Winter Snow Camp, sponsored by Youhtown*

**SPORTS AWARD**

Celebrating a sportsperson with outstanding talent in their chosen sport who upholds a positive and respectful attitude.

*Winner receives a \$500 grant*

**LEADERSHIP AWARD**

Celebrating a local leader who has made a significant contribution to the community.

*Winner receives a \$500 grant*

**EXPRESSIONS WHIRINAKI ARTS AWARD**

Celebrating a person who demonstrates excellence and passion in the arts. This category incorporates all aspects of the arts.

*Winner receives a \$1,200 grant, sponsored by Expressions Whirinaki Arts and Entertainment Centre*

**KAITIAKI AWARD**

Celebrating a local leader in environmental protection.

*Winner receives a \$500 grant towards their environmental project or event*

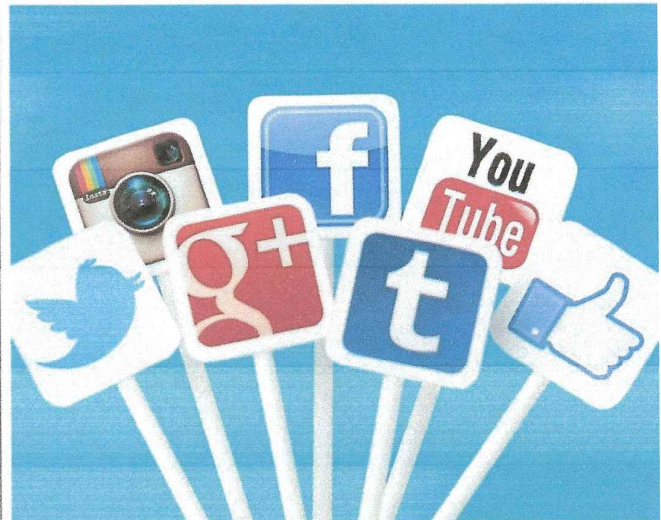
**MAYORAL AWARD**

Celebrating a person chosen by the Mayor.

*Winner receives a \$500 grant, courtesy of the Mayor*

**Nominations open 1-31 March**

For more information please visit: [upperhuttcity.com/young-achievers-awards](http://upperhuttcity.com/young-achievers-awards)



Social media might seem like a bit of fun, but you're still subject to consumer law and advertising standards.

# Advertising traps for businesses on social media

**ALAN KNOWSLEY**  
LEGAL MATTERS



Don't get caught out when advertising on social media.

With more than 1.23 billion Facebook users, nearly 974 million people using Twitter and 700 million registered Instagram accounts, for most businesses the question is not whether to use social media for business purposes, but how.

The asking of the latter question should get businesses thinking about the legal implications of social media use, but unfortunately we still see issues arising.

An internet provider, which was a new-entrant to the market at the time, advertised on social media that they were the "fairest" internet provider in New Zealand.

Even if this was true it would be difficult to prove if challenged, which put the company at risk of breaching the Fair Trading Act (FTA) in relation to "unsubstantiated representations".

Moreover, the phrase implied that all other internet provider companies were unfair or "less fair". Again, this could be challenged under the FTA as being an unsubstantiated representation. It could also be "misleading" under the same legislation.

This example illustrates that if you think that social media is a more relaxed forum for your advertising then you are mistaken. Businesses do not have the luxury of using social media in the same way as personal accounts are used, because they are subject to the same layer of consumer law and advertising standards which govern paid advertising.

In the case of professionals, there may also be professional and ethical obligations owed to a governing body that must still be fulfilled even when posting on Facebook or other social media platforms. Therefore, each time you post, tweet, or otherwise engage with users, you should have the FTA, Consumer Guarantees Act, Advertising Standards Authority (ASA), the

platform's terms of use and your professional obligations top of mind.

What happens if I breach regulations on social media? In some instances very little happens. Most breaches are rectified by an order to remove or amend the offending advertisement. However, decisions of the ASA are also provided to the media. Depending on the nature of the "offending" this could have serious consequences for the reputation of a business.

Of course, in some instances, the impact of the "offending" advertisement, in terms of consumer response, is positive. Consumers can sometimes feel refreshed by advertisements that push the proverbial envelope.

So why be concerned? Being caught in breach of advertising standards may or may not have an effect on your business' reputation, but it will at the very least penalise you in time. You will need to

**"If you think that social media is a more relaxed forum for your advertising then you are mistaken."**

respond to allegations and engage in the dispute resolution process. The inconvenience alone is often penalty enough, especially for an unintended breach.

As a result, we remind our business clients of their obligations when advertising, even on social media, so that they are informed of potential risk and can make a calculated decision whether to proceed with a proposed advertising campaign.

We remind them not to slip into "personal-mode" when engaging with consumers. The latter is where many business owners get caught out.

Column courtesy of RAINEY COLLINS LAWYERS phone 0800 733 484, [www.raineycollins.co.nz](http://www.raineycollins.co.nz). If you have a legal inquiry you would like discussed in this column please email Alan on [aknowsley@raineycollins.co.nz](mailto:aknowsley@raineycollins.co.nz)