

COMPLAINT NUMBER	16/368
COMPLAINANT	L. Chandler
ADVERTISER	Greenpeace NZ
ADVERTISEMENT	Greenpeace NZ Website
DATE OF MEETING	15 November 2016
OUTCOME	No Grounds to Proceed

Advertisement: The website advertisements for Greenpeace consisted of a Facebook page and a Youtube video. The Facebook page was headed “Petition: Stop the Solar Tax” and asked viewers to “Sign on now to tell the NZ Electricity Authority to take responsibility for protecting solar power and regulate to prohibit electricity providers from penalizing solar users, financially or otherwise.”

The Youtube video showed a group of people, dressed in yellow, singing and dancing, and following musician Tiki Taane to the office of the Electricity Authority, to deliver a petition called “Stop the Solar Tax”.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, L. Chandler, said: “I wish to make a complaint over Advertising Greenpeace is making via Paid Reach on Social Media, and Youtube. —

Greenpeace claims: The world is in a climate crisis and to survive, we have to adopt clean renewable energy as soon as possible. Solar power is one of the fastest growing clean energy sources in the world - but our ability to use it in New Zealand is under threat. Big energy companies see solar as a threat to their profits and their control of your power. Right now they're moving to cut it off. Their first move is the new solar tax in Hawke's Bay which penalises people who have solar panels.

We must push back before that spreads nationwide and tell the Electricity Authority to Say No to the Solar Tax. — I believe that the claim in the advertisement, “Stop the Solar Tax” is misleading because the proposal by Unison is to fairly spread the cost of the network upkeep across all consumers who are dependant on using the grid for the source of the power.

This is not a tax, this is an adjustment from user pays (i.e Holiday homes who use little power in the winter, to a lot of power in the summer, who would normally be charged little in lines fees, are charged a more fairer amount for having a connection to the grid). Unison said it argued that most solar-panel users were not fully off the grid, and were still heavy users of peak-time power. A tax is a financial charge or other levy imposed upon a taxpayer (an individual or legal entity) by a state or the functional equivalent of a state to fund various public expenditures.

As Unison is not only a private company, but adjusting from a User Pays to a Flat Fee, this is not a tax, and calling it so is playing on the publics fear perception that it is a tax. This is

totally unacceptable “Big energy companies” (i.e. Might River Power, Meridian etc.) have no control over Unison’s decision to change this, as a result, blaming the “Big energy companies” is factually incorrect and misleading.”

The relevant provisions were Basic Principle 4 and Rules 2 and 11 of the Code of Ethics.

The Chair noted the Complainant’s concerns that the advertisement was misleading because of the use of the word ‘tax’ to describe the network charges set by Unison power company.

The Chair ruled that the provisions of Rule 11 - Advocacy Advertising applied in this case.

The Chair said that as both the identity and the position of the Advertiser were clear, in compliance with Rule 11, the advertisement should be reviewed in the context of advocacy advertising, which is advertising designed to express an opinion. As such, and in the interests of freedom of expression under Section 14 of the Bill of Rights Act 1990, a more liberal interpretation of the Code was appropriate.

The Chair noted that there may be different views about whether the word “tax” is the appropriate word to use in the context of this advertisement and in relation to the network charges.

She said one party might consider the word “tax” appropriate because the network charges for solar power are compulsory and a demand on people’s resources. The Chair acknowledged that the network charge for solar power users does not fit the legal definition for the word tax as it is not “a levy imposed on a taxpayer by the state”.

The Chair noted that while there are different definitions and interpretations of the word “tax”, in this case it had been used to create an unfavourable impression of the network charges. This did not mean however, that the advertisement met the threshold required to be described as misleading.

Accordingly, the Chair ruled that there was no apparent breach of the Advertising Codes and there were no grounds for the complaint to proceed.

Chair’s Ruling: Complaint No Grounds to Proceed.