

COMPLAINT NUMBER	17/153
COMPLAINANT	M Woods
ADVERTISER	Greenpeace NZ
ADVERTISEMENT	Greenpeace NZ, Television
DATE OF MEETING	13 June 2017
OUTCOME	Not Upheld

SUMMARY

The 60-second Greenpeace NZ television advertisement included flood images, an image of a ship purporting to be an oil exploration ship and images of Greenpeace protesters. A voiceover said: "This year Kiwis have experienced the most extreme floods, drought and cyclones. Climate change is here and it's only going to get worse. It's already threatening our homes, our health and our families." Early in the advertisement the words "Edgcumbe 1,600 people evacuated" were superimposed over an image of flooded houses. From halfway through the advertisement a banner ran continuously across the bottom of the screen asking viewers to text their name to Greenpeace and the voiceover concluded: "Join Greenpeace and secure a future for all New Zealanders. Text your name to 963 now."

The Complainant was concerned that the advertisement said "climate change is now and going to get worse and uses a series of images of flooding in NZ as proof of this." The Complainant said Greenpeace had no evidence that the events portrayed were caused by global warming and Greenpeace was deceiving the public by suggesting this for political ends.

The Complaints Board said the advertisement was an advocacy advertisement, that the identity of the Advertiser, Greenpeace, an environmental lobby group, was clear and that Greenpeace had provided sufficient substantiation for the claims made.

The Complaints Board ruled the complaint was **Not Upheld**.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rules 2 and 11 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society and whether it contained any statement or visual presentation or created an overall impression which directly or by implication, omission, ambiguity or exaggerated claim was misleading or deceptive, was likely to deceive or mislead the consumer, made false and misleading representation, abused the trust of the

consumer or exploited their lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

With reference to Rule 11 (Advocacy Advertising) the Complaints Board was required to take into account that expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society and therefore such opinions may be robust but that opinion should be clearly distinguishable from factual information and the identity of an advertiser in matters of public interest should be clear.

The Complaints Board ruled the complaint was Not Upheld.

The Precedent

To assist it in coming to a decision the Complaints Board reviewed a precedent decision, 17/080 which was Not Upheld. The precedent decision concerned a Greenpeace television advertisement which showed seismic blasts being fired into the ocean and a voiceover saying that such blasts, which were being employed off New Zealand's East Coast in search of oil, could cause chronic distress or death to whales and dolphins.

In its precedent decision, the Complaints Board confirmed the advertisement was an advocacy advertisement and that the position and identity of the advertiser were clear. The Complaints Board found that the advertisement did not contain anything likely to mislead or deceive the consumer or create unreasonable fear and had been prepared with a due sense of social responsibility to consumers and society.

The Complaint

The Complainant was concerned that the advertisement said "climate change is now and going to get worse and uses a series of images of flooding in NZ as proof of this." The Complainant said Greenpeace had no evidence that the events portrayed were caused by global warming and Greenpeace was deceiving the public by suggesting this for political ends.

The Advertiser's response

The Advertiser, Greenpeace NZ, said the advertisement was drawing a link between climate change, extreme weather events and their impact on humans and that the link was widely scientifically accepted.

The Advertiser said in part: "The assertion that there is no proof of a link to the specific Edgcumbe event is spurious in making a point that no specific event can be cited as solely caused by climate change. The science describes that extreme weather events are intensified by climate change. This is the basis of our message. And the impacts of climate change are evidenced by more frequent and extreme events that are being widely observed and felt."

The Advertiser submitted literature that supported their view that more frequent and extreme weather events are some of the consequences of climate change. This included extracts from the Intergovernmental Panel on Climate Change and a newspaper article quoting Dr James Renwick of the Victoria University School of Geography, Environment and Earth Sciences as saying: "Weather extremes in recent months have seen serious thunderstorms tear down trees and smash boats in the North Island, while the South Island battles drought in the east and heavy rains in the west."

The response from the Media

The Complaints Board then referred to the response from the Commercial Approvals Bureau (CAB) on behalf of the Media. CAB said the Greenpeace commercial had been approved on May 9, 2017, with a GXC classification. Under CAB's internal procedures, the commercial

was categorised as an advocacy advertisement. CAB noted that the crux of the complaint was the view that global climate change did not affect localised weather events.

CAB said: "One point to take here is that global climate conditions are precisely such: global. There exists around the planet earth but one atmosphere, beneath which all meteorological phenomena occur."

CAB said Greenpeace had the right to present a robust opinion in their public advocacy role.

The Complaints Board discussion

The Complaints Board first discussed whether the advertisement was an advocacy advertisement and determined that it was and contained the robust opinion Greenpeace was entitled to hold and disseminate in a democratic society. The Complaints Board said the identity of the Advertiser was clear as called for in Rule 11.

In the context of advocacy, were the claims substantiated?

The Complaints Board then discussed the content of the advertisement and whether its claims had been substantiated. The Complaints Board accepted sufficient substantiation had been provided, including extracts from the Intergovernmental Panel on Climate Change and media comment from Dr James Renwick of the Victoria University School of Geography, Environment and Earth Sciences.

The Complaints Board said Greenpeace was a lobbying organisation and its advertising reflected its views on environmental issues. The Complaints Board agreed the likely consumer takeout of the advertisement was that climate change had impacted on extreme weather events, not that climate change was directly responsible for the Edgecumbe flooding. The Complaints Board said that the images used in the advertisement including weather events and US President Donald Trump were illustrative of Greenpeace's position on climate change.

Taking into account the precedent decision and the advocacy rule and principles, the Complaints Board determined the advertisement was not breach Basic Principle 4 or Rules 2 and 11 of the Code of Ethics.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The 60-second Greenpeace NZ television advertisement opened with a cloud scene and then a view of flooded houses overlaid with "2017" in print. A male voiceover said: "This year Kiwis have experienced the most extreme floods, drought and cyclones. Climate change is here and it's only going to get worse. It's already threatening our homes, our health and our families." The words "Edgcumbe 1,600 people evacuated" were superimposed over an image of flooded houses and then "West Auckland 321 homes flooded" over a flood scene. An image of US President Donald Trump behind a lectern appeared and the voiceover continued "and the oil industry and its political cronies don't care." A picture of a ship appeared and the voiceover said: "They send an oil exploration ship to New Zealand to blast the ocean every eight seconds looking for more oil to burn which will further fuel climate change." The voiceover said Greenpeace had confronted the oil industry and asked viewers to show support and "ensure a future for our kids and grandkids."

From halfway through the advertisement, which included images of Greenpeace protesters, a banner ran continuously across the bottom of the screen asking viewers to text their name to Greenpeace and the voiceover concluded: "Join Greenpeace and secure a future for all New Zealanders. Text your name to 963 now."

COMPLAINT FROM M WOODS

The narrative of the advertisement complains that climate change is now and going to get worse and uses a series of images of flooding in NZ as proof of this. My complaint is that Greenpeace has no evidence that the events portrayed are caused by global warming and are deceiving the public by suggesting such for political ends.

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 11 Advocacy Advertising: Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

Advocacy Principles

The Advocacy Principles are also relevant. These were developed by the Complaints Board in previous Decisions for the application of Rule 11.

These say:

1. That Section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the right granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.

5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

RESPONSE FROM ADVERTISER: GREENPEACE NZ

We do not accept the complaint.

The complainant states that:

"The narrative of the advertisement complains that climate change is now and going to get worse and uses a series of images of flooding in NZ as proof of this. My complaint is that Greenpeace has no evidence that the events portrayed are caused by global warming and are deceiving the public by suggesting such for political ends."

Our advertisement shows extreme weather events and says:

"This year Kiwis have experienced extreme floods, drought and cyclones. Climate change is here and it's only going to get worse. It's already threatening our homes our health and our families."

In so doing we are drawing the link between climate change, extreme weather events and their impacts on humans. This link is widely scientifically accepted.

The assertion that there is no proof of a link to the specific Edgecombe event is spurious in making a point that no specific event can be sited as solely caused by climate change. The science describes that extreme weather events are intensified by climate change. This is the basis of our message. And the impacts of climate change are evidenced by more frequent and extreme events that are being widely observed and felt.

More frequent and extreme weather events are widely described by scientists as some of the consequences of climate change.

The Intergovernmental Panel on Climate Change states:

"Major impacts of climate change on human health are likely to occur via changes in the magnitude and frequency of extreme events, which trigger a natural disaster or emergency."

It further states,

"Extreme weather events cause death and injury directly. However, substantial indirect health impacts also occur because of damage to the local infrastructure and population displacement (see also Section 9.10). Following disasters, fatalities and injuries can occur as residents return to clean up damage and debris (Philen *et al.*, 1992). Bereavement, property loss, and social disruption may increase the risk of depression and mental health problems (WHO, 1992). For example, cases of post-traumatic stress disorder were reported in the United States up to 2 years after Hurricane Andrew (Norris *et al.*, 1999)."

Specific links are drawn to flooding:

"Floods are associated with particular dangers to human populations (Menne *et al.*, 1999). Climate change may increase the risk of river and coastal flooding."

Retrieved from: *<http://www.ipcc.ch/ipccreports/tar/wg2/index.php?idp=354>

In the following table the IPCC describes more intense precipitation events and storms and droughts among many other impacts:

*<http://www.ipcc.ch/ipccreports/tar/wg2/index.php?idp=154#tab310>

The link between climate change and extreme weather events has been supported by NIWA for many years and New Zealand scientists in recent reports on extreme weather events.

Here Dr James Renwick is quoted:

Weather extremes in recent months have seen *serious thunderstorms tear down trees and *smash boats in the North Island, while the South Island battles *drought in the east and *heavy rain in the west.

Warmer weather means more moisture in the air, which can lead to increased chance of floods and landslides, Renwick said.

*<http://www.stuff.co.nz/national/82245751/Decade-of-temperature-data-from-Auckland-Wellington-and-Christchurch-shows-whos-heating-up>

We can provide more extensive supporting information if required.

RESPONSE FROM MEDIA: COMMERCIAL APPROVALS BUREAU

We have been asked to respond to this complaint under the following codes:

Code of Ethics – Basic Principle 4, Rule 11, Rule 2

CAB approved this Greenpeace commercial on 09/05/17 with a GXC classification. Under CAB's internal procedures, the commercial is categorised as an advocacy advertisement.

A complainant believes that Greenpeace has made misrepresentative inferences with its most recent commercial. The crux of the complaint is that the view that global climate change does not affect localised weather events.

One point to take here is that global climate conditions are precisely such: global. There exists around the planet earth but one atmosphere, beneath which all meteorological phenomena occur.

Secondarily, but importantly, Greenpeace have the right under Rule 11 of the Codes of Practice to present a robust opinion in their public advocacy role. In Greenpeace's response to previous complaint 17/080 earlier this year, the advertiser presented a detailed, robust, and well-supported defence of their advocate status as well as the independent facts supporting their claims.

CAB believes that 17/080 presents a fair precedent, and that the complaint at hand should not be upheld in kind.