

COMPLAINT NUMBER	17/203
COMPLAINANT	A Pedley
ADVERTISER	Hobson's Pledge Trust
ADVERTISEMENT	Hobson's Pledge Trust, Unaddressed Mail
DATE OF MEETING	4 July 2017
OUTCOME	No Grounds to Proceed

Advertisement: The Hobson's Pledge flyer is headed "Honour Hobson's Pledge - He Iwi tahi tatou: We are now one people" It asks readers to "Use your vote to end National's race-based policies. It provides a list of pledges made by the National Party and then lists actions taken by the party which are contrary to those commitments, as well as measures the government should take.

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

Complainant, A Pedley, said: This advertisement is offensive and racist. It is wrong to refer to 'National's race based policies' when the Treaty of Waitangi is a founding document of NZ, enshrined in our law.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 4, Rule 5.

The Chair noted the Complainant's concerns that the advertisement is offensive and racist to single out National's race-based policies.

The Chair confirmed the advertisement for Hobson's Pledge was an advocacy advertisement intended to raise awareness about the Trust's view on what it considers are race-based policies. The Chair agreed these views can be contentious, however, advocacy advertising is provided for under Rule 11 of the Code of Ethics, and allows robust expression of opinion as long as the advertiser is clearly identified.

In considering the complaint, the Chair referred to a precedent decision, 05/220, on a similar subject matter, which was ruled Not Accepted when examined against Rule 11 of the ASA Code of Ethics and the Advocacy Principles.

That decision said in part:

"... Advocacy Principles

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 advertiser and that the Codes should be interpreted liberally to ensure fair play by the contestants.

...Taking these principles into consideration, the Chairman was of the view that the billboard advertisement, which showed a pictorial representation of the National Party's interpretation of a political issue, was in accordance with the principles, and such advertisements were not only acceptable, but encouraged. The Chairman observed that in a free and democratic society, differences of political opinion 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. Accordingly, the Chairman was of the view that the advertisement fell well within the provision of Rule 11 of the Code of Ethics."

Taking the above ruling into account and turning to the advocacy advertisement before her, the Chair noted that the issue around race-based policies continues to be debated publicly by politicians with differing views expressed by parties. The Chair considered this was a matter for the electors to decide on in the upcoming election.

The Chair said the advertisement complied with the identification requirements of Rule 11 and the robust expression of views were also provided for. While offensive to some, the Chair took into account requirement for a liberal interpretation of the Codes under the Advocacy Principles and ruled there was no apparent breach of the Code of Ethics.

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

Chair's Ruling: Complaint **No Grounds to Proceed**