

<b>COMPLAINT NUMBER</b>	17/304
<b>COMPLAINANT</b>	L. Whyte
<b>ADVERTISER</b>	New Zealand National Party
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	6 September 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The National Party Facebook page posted a video of people in blue shirts running and stated, in part: “Success doesn’t happen by chance, together we’ve got our economy working... National will deliver a better future for all New Zealanders... the choice is simple. Keep New Zealand moving forward or risk it all on who knows what.” The advertisement then showed people with their legs tied together in red, green and black shirts struggling to walk. The advertisement concluded with the message: “Party vote National” and had an authorisation statement.

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

**Complainant, L Whyte, said:** I wish to complain about this National Party ad <https://www.facebook.com/NZNATS/videos/1905100486172204/>

The ad shows a group of fit, able bodied people running by and leaves those struggling behind. Their recruitment for the ad also asked for fit able bodied people. This is discriminatory towards people with a disability. it implies the policies will not help those struggling including people with a disability. Quite a few people I spoke to found it offensive.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 4, Rule 5; Code for People in Advertising - Basic Principle 3, Basic Principle 6;**

**The Chair** noted the Complainant’s concern the advertisement showed able bodied people leaving struggling people behind and therefore discriminated against people with disabilities and implied the National Party policies would not help people with disabilities.

The Chair also noted the call sheet for actors to appear in the National Party advertisement provided by the Complainant, however, she said this did not fit the definition of an advertisement and did not form part of her deliberation on the matter.

The Chair said the advertisement was advocacy advertising and considered it under Rule 11 of the Code of Ethics. She noted Rule 11 of the Code of Ethics provided for robust expression of belief or opinion being as expressed by the Advertiser and, 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 issues should also be clear.

The Chair confirmed the advertisement, identified as from the New Zealand National Party, was advocacy advertising intended to promote the National Party as part of the upcoming Election.

Having established the advertisement was from a political party, the Chair noted that political advertisements were not only acceptable, but encouraged as they were an essential and desirable part of the functioning of a democratic society. The Chair also 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. Therefore, the Chair considered the rest of the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

The Chair said, in her view, the group of people struggling to walk in the advertisement did not depict people with disabilities but represented left wing opposition parties; The Greens, Labour and New Zealand First. She said the likely consumer takeout of the advertisement was that people should give their party vote to National, who have been in government for some time, rather than vote for the opposition parties.

The Chair said there was nothing in the advertisement that was likely to cause serious and widespread offence to people with disabilities and it had been prepared with a due sense of social responsibility to consumers and to society. Therefore, the Chairman ruled there was no apparent breach of the Code of Ethics.

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

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