

COMPLAINT NUMBER	17/322
COMPLAINANT	T. Macintyre
ADVERTISER	Voice for Life, Wanganui
ADVERTISEMENT	Voice for Life, Digital Marketing
DATE OF MEETING	11 September 2017
OUTCOME	No Grounds to Proceed

Advertisement: A Voice for Life Facebook Post dated 5 September said “Think before you vote. Labour and the Greens want to liberalize law to such an extent, that NZ will have abortion up to birth.” Under the post was a link to a New Zealand Herald story headlined “Arden’s pledge to decriminalise abortion sparks controversy.”

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

Complainant, T. Macintyre, said: I received this unsolicited Facebook advertisement on my Facebook newsfeed at 3:47PM on Friday the 8th of September. I have additionally reported it to the electoral commission for the fact that it lacks an authorisation statement, but am reporting it to the Advertising Standards Authority due to the fact that it seeks to mislead viewers of the advertisement when it claims that the Labour and Green parties wish to legalise abortion up until birth. This is not the case, and I take issue with the advertiser attempting to mislead voters.

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

The Chair reviewed the advertisement, and noted it appeared in the Complainant’s News Feed on Facebook. The Chair said the advertisement from was an advocacy advertisement and Rule 11 of the Code of Ethics applied.

Rule 11 states:

“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.”

Also applicable were the Advocacy Principles, developed by the Complaints Board in previous Decisions for the application of Rule 11. These said:

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.

Turning to the advertisement before her, the Chair confirmed that the identity of the Advertiser, Voice for Life Wanganui was clear, a requirement under the provisions of Rule 11.

The Chair then considered the Complainant's issue regarding the content of the advertisement. The Chair said the advertisement stated the Advertiser's view of the likely outcome of liberalising abortion legislation and this was provided for under Rule 11 of the Code of Ethics.

The Chair 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.

The Chair also took into account the link to the New Zealand Herald article posted below the advertisement. This article summarised the Labour Leader's position on decriminalising abortion and included comment from sectors that supported and opposed such a step.

While she acknowledged the Complainant's concern the wording in the advertisement was misleading, the Chair said the Complaints Board had consistently ruled that an opinion held by a political party, person or organisation was not misleading just because of a different emphasis on the interpretation of detail, even if it was contrary to that of the Complainant.

The Chair said the advertisement complied with the requirements of Rule 11 and taking into account the Advocacy Principles, did not reach the threshold to breach Rule 2 or Basic Principle 4 of the Code of Ethics.

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

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