

<b>COMPLAINT NUMBER</b>	17/376
<b>COMPLAINANT</b>	R Aguilar
<b>ADVERTISER</b>	New Zealand Labour Party
<b>ADVERTISEMENT</b>	NZ Labour Party Billboard
<b>DATE OF MEETING</b>	16 October 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The billboard advertisement for the New Zealand Labour Party had a picture of Party Leader, Jacinda Ardern, with the accompanying text: “Free Education. Let’s do this”. The advertisement included an authorisation statement.

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

**Complainant, R. Aguilar, said:** I saw one next to me in Te Atatu Rd, Auckland. 'Free Education' is exaggerated and misleading as their tertiary education policy on their website reads: (<http://www.labour.org.nz/tertiaryeducation>) 'Labour will make tertiary education and training AFFORDABLE for all by:' thus Not Free but Affordable under their one words. Also reads: 'Accelerating the three years' free policy, starting with one year fees free full-time equivalent for everyone starting tertiary education or training for the first time from 1 January 2018, and extending this to three years' free by 2024.' thus Not Free for people which already had some training, (which may require further training). So it was never intended to be FREE for everybody as the billboards implies.

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

**The Chair** noted the Complainant’s concerns the advertisement was misleading as it gave the impression that education will be free for everyone when there were a range of caveats.

The Chair noted the Labour Party was the Advertiser and the advertisement was an advocacy advertisement and therefore, 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, the New Zealand Labour Party was clear, a requirement under Rule 11.

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 then considered the Complainant's issue regarding the content of the advertisement. The Chair said the statement "Free Education" referred to the Labour Party's policy on education and had an aspirational tone. The Chair noted the Labour Party's policy on education was widely campaigned on and there was detailed information on its website. The Chair also noted that the Labour Party had promoted an offer of free tertiary education for three years to new students as part of a staged process.

The Chair said the advertisement was unlikely to mislead people into thinking education would be free for everyone in all scenarios under a Labour government and was not in breach of Rule 2 or Rule 11 of the Code of Ethics. The Chair said the advertisement had been prepared with a due sense of social responsibility to society and was not in breach of Basic Principle 4 of the Code of Ethics.

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

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