

COMPLAINT NUMBER	17/392
COMPLAINANT	I. McFarlane
ADVERTISER	Universal Church of the Kingdom of God (UCKG)
ADVERTISEMENT	(UCKG), Print
DATE OF MEETING	28 November 2017
OUTCOME	Upheld in Part/Not Upheld in Part

SUMMARY

The newspaper editorial style advertisement for the UCKG Help Centre healing event contained details about the events, testimonials from those who had been helped by the power of prayer and details of the five centres holding events.

The Complainant said the identity of the Advertiser was not clear and unsubstantiated claims were being presented as fact.

The Complaints Board said the editorial layout of the advertisement made it difficult to easily ascertain who had placed the advertisement.

The majority of the Complaints Board said the advertisement lacked the necessary context to clearly indicate its purpose was the promotion of a religious event and ruled the identity of the Advertiser was not clear. The Complaints Board said the advertisement had therefore not been prepared with a due sense of social responsibility to consumers and to society and ruled to uphold the complaint under Basic Principle 4 and Rule 11 of the Code of Ethics.

The majority of the Complaints Board said the disclaimer in the advertisement showed the advertisement presented opinion about the benefits of evangelical healing. The Complaints Board ruled to not uphold the advertisement under Rule 2 of Code of Ethics.

The Complaints Board ruled the complaint was Upheld in Part and Not Upheld in Part.

[Advertisement to be removed]

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 Board to consider whether or not the advertisement was, either directly or indirectly, likely to deceive or mislead the consumer and if it had been prepared with a due sense of social responsibility to consumers and to society. The Chair noted that as this was an advocacy advertisement,

expressions of opinion were permitted, however these should be clearly distinguishable from factual information.

The Complaints Board ruled the complaint was Upheld in Part and Not Upheld in Part.

The Complaint

The Complainant said the advertisement was misleading because no substantiation was provided for the claims made and it was almost impossible to identify who the Advertiser was.

The Advertisers Response

The Advertiser said it was an advocacy advertisement and it presented the Advertiser's opinion about their belief in the benefits of evangelical healing. They said the organisation's name was used eight times and the word belief used seven times which met the requirements of an advocacy advertisement in terms of identity and opinion criteria.

The Complaints Board Discussion

The Complaints Board began by considering the advertisement under the Code of Ethics, Rule 11 Advocacy which provides that opinions being expressed by the Advertiser could be robust. However, opinion should be clearly distinguishable from factual information. The rule states the identity of the Advertiser must also 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.

The Complaints Board was directed to consider whether the identity of the Advertiser was clear. The Complaints Board said the editorial layout of the advertisement made it difficult to easily ascertain who had placed the advertisement and noted the word advertisement in the top right corner of the advertisement and disclaimer at the end of the advertisement were presented in very small font relative to the rest of the advertisement. The Complaints Board agreed the advertisement required a thorough examination before it was clear a faith based organisation was running the event.

The Complaints Board noted the full name of the church placing the advertisement, the Universal Church of the Kingdom of God, did not feature anywhere in the advertising copy and it was very likely some consumers would not connect the cited organisation, the UCKG Help Centre, with the Church. Therefore, the majority of the Complaints Board said the advertisement lacked the necessary context to clearly indicate it was the promotion of a religious event and ruled the identity of the Advertiser was not clear. As such it concluded the advertisement had not been prepared with a due sense of social responsibility to consumers and to society.

A minority of the Complaints Board said the identity was sufficient for the purposes of advertising the UCKG Help Centre event.

In accordance with the majority, the Complaint Board ruled to Uphold the complaint under Basic Principle 4 and Rule 11 of the Code of Ethics.

The Chair then directed the Complaints Board to consider the advertisement under Rule 2 of the Code of Ethics, truthful presentation. The majority of the Complaints Board agreed the general consumer take-out, formed only after a comprehensive reading of the advertisement, was the advertisement was promoting an event for evangelical healing and this was presented as opinion that God could heal a variety of ailments. The majority of the Complaints Board said the disclaimer in the advertisement helped prevent any breach of Rule 2 of the Code of Ethics.

The Complaints Board agreed that had the Advertiser's identity been clearer, the distinction between opinion and factual information would have been less confusing. It would be clear to any reader the advertisement was promoting faith-based healing as part of a religious organisation.

A minority of the Complaints Board considered the advertisement to be combination of information presented as fact and opinion and said the factual statements should be substantiated to avoid breaching Rule 2 of the Code of Ethics.

However, in accordance with the majority, the Complaints Board ruled to not uphold the advertisement under Rule 2 of Code of Ethics.

In summary, the Complaints Board ruled to uphold the complaint against Basic Principle 4 and Rule 11 and to not uphold the complaint in relation to Rule 2 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Upheld in Part and Not Upheld in Part

DESCRIPTION OF ADVERTISEMENT

The A3 size editorial style advertisement for the UCKG Help Centre healing event contained details about the events, testimonials from those who had been helped by the power of prayer and details of the 5 centres holding events.

COMPLAINT FROM I. MCFARLANE

Dear Sir/Madam, having worked in the pharmaceutical industry for many years I was shocked to see this ad in my local community newspaper which claims that people have been cured from diseases ranging from heart disease, to diabetes and breast cancer simply by attending this church and no doubt paying a tithe, but receiving a free vial of holy water.

This is absolutely despicable and preys on people who are vulnerable and sick, if people are seeking spiritual support whilst ill they will be able to find a church or counsel or to see themselves, this type of advertising is extremely misleading and I am alarmed that people might get drawn into this and pay money for it. It is also almost impossible to identify who the advertiser is. You can't claim medical benefits without scientific and clinical studies.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

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.

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).

RESPONSE FROM ADVERTISER – UNIVERSAL CHURCH OF THE KINGDOM OF GOD

My name is Bishop Victor Silva and I am the residing Bishop here at the UCKG.

Thank you for forwarding to us the details of the complaint from Isabel McFarlane. We thank you for this opportunity to respond. Our response is set out below.

We wish to advise that this was a one-off advertisement, which came out in a Fairfax community newspaper. It came out once only, and the campaign has now finished.

In relation to the advertisement itself, as we are expressing our views through advertising, we accept that our promotion of the "*With God, Nothing is Impossible*" event is advocacy advertising in accordance with Rule 11. In this regard we note:

Sections 13, 14 and 15 of the New Zealand Bill of Rights Act 1990 protect the rights to freedom of religion, freedom of expression, and the right to manifest one's religion. These give us the right to impart information and our opinions, and to manifest our religion and beliefs in the form of public worship, observance, practice and teaching. Rule 11 curtails these rights and so empowers us to express robust opinions.

We accept that these rights under sections 13, 14 and 15 of the Bill of Rights Act are not absolute and expression of opinion in advocacy advertising should be clearly distinguishable from factual information. We wish to point out that the disclaimer in the advertisement which explicitly says the following:

The UCKG does not claim to heal people but believes that God can through the power of faith. Always follow your doctor's instructions. This magazine contains stories from UCKG members across the world. Individual experiences vary but we believe God's power is available to everyone. UCKG Help Centre is a New Zealand Registered Charity – 9059642.

The disclaimer shows that we presented our religious beliefs in evangelical healing as our opinion rather than an absolute fact. It is also noteworthy that UCKG refers to “belief” seven times in the promotion and in particular in the testimonials. The testimonials are from real people, with real experiences, who believe that God healed them through the power of their faith. This is their belief and the belief of UCKG. This is clearly expressed as opinion. There is nothing misleading or deceptive about that.

We further do not agree with Ms McFarlane’s comment that it is almost impossible to identify who the advertiser is. We clearly identify the advertiser as UCKG or the UCKG Help Centre 8 times in the two page spread. Also, addresses of our five Churches are listed along with contact phone numbers. The “With God, Nothing is Impossible” event is clearly identified as a church service. We would also like to bring your attention to that the disclaimer in the advertisement which explicitly says “UCKG Help Centre is a New Zealand Registered charity – 9059642”.

Also, we wish to emphasise that we sincerely believe that God can heal in the way described in the testimonials. This has an historical religious and scriptural basis, as well as being our experience. These are the beliefs held by 2.2 billion adherents across the world, nearly a third of all people on earth. According to the 2013 Census in New Zealand, 49% of those who answered the question on religion identified themselves as Christian. There are therefore more than two million Christians in this country. It is part of our Christian mission to evangelise and preach the Good News. All Churches promote themselves in some form, and all preach about Jesus’ miracles. Our beliefs are, therefore, commonly held, and readily identified as religious beliefs.

Finally, it is true that each “With God, nothing is Impossible” event attendee received a small bottle of blessed water. This was free of charge, as was the event, and this is emphatically stated in the promotional material. Like all Churches, we receive tithes and donations. This is the Biblical way of supporting the Church. However we never charge for our public events and we are not selling anything. Ms McFarlane’s comment that we would charge money to people coming along and in some way take advantage of them is not true and is extremely distressing to us. Like all Churches, UCKG receives its share of contempt from those who do not share our beliefs. This does not make it any less upsetting when we are publicly reviled as in this complaint.

Taking all of the above into account, it is our position that there is no breach of rule 11, and also no breach of Rule 2. The promotion does not mislead or deceive vulnerable people who may be suffering from illness. It sets out our adherents’ beliefs and their experiences. The testimonials clearly present as such. The promotion clearly identifies that we are a Church, promoting a Church service. Almost half of New Zealanders who are currently Christians (not to mention those who are former Christians) will understand the Christian Churches’ teachings on healing. To suggest otherwise is untenable.

Principle 4 of the Code of Ethics speaks of social responsibility. On this we add to the above:

You have provided with this complaint a copy of the outcome of the complaint against us in 2014, which was upheld. Since that time, we have had the content of our promotional materials reviewed by our lawyers, to ensure that we are compliant with the Code. From these reviews, as will be evident by the differences between the advertisement in 2014 and the promotional material for the “With God, Nothing is Impossible” event, we have added the disclaimer to all our promotional materials and made sure that it is entirely clear that what is portrayed are our religious beliefs. We wish sincerely to be responsible citizens. But we will not apologise for being strong advocates for God.

In our promotions, we are promoting God and healing. This is in our view socially responsible. We are happy to do our best to adhere to ASA codes and understand their value to protect the vulnerable. However we never would wish to harm the vulnerable or the weak. Jesus healed the sick, in biblical times, and we believe that He does so today. To spread this news is and continues to be our Mission, for the benefit of the community.

We hope that this will resolve this matter and await your decision. If there is any further information that you need from us, please do not hesitate to be in contact.

God bless.

RESPONSE FROM MEDIA – FAIRFAX MEDIA

In considering this advertisement for publication, we asked the advertiser to take the following actions:

- Ensure that the material was fully bordered and that it carried the word advertisement
- Provide confirmation to us that they had written authority to use the individual's personal testimonials
- We made them aware of the ASA guidelines and their responsibilities in this regard.

In reviewing the advertisement itself, both our internal Legal Counsel and our National Sales Operations Director had oversight to this advertisement just prior to publication. In considering the advertisement, in its overall message, we formed the following view;

- The advertisement was fundamentally about the promotion of a free event
- The event was a faith based event and this was clear in the overall content presented
- The reference to Holy Water, was a further demonstration of their faith in God, not that the water itself had any therapeutic value.
- The disclaimer at the bottom of the right page alluded to this point

On this basis, we were of the view that the advertisement did not cross any ASA thresholds and that the message was clear to readers.

We trust this is helpful in your inquiry. We would of course be guided by if you held a differing opinion.