

COMPLAINT NUMBER	19/318
COMPLAINANT	D McDonald
ADVERTISER	Rodney Horrell
ADVERTISEMENT	Rodney Horrell Print
DATE OF MEETING	2 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The newspaper advertisement, which was authorized by Rodney Horrell, was published in The Star newspaper. It was headed “Maori animism being taught in state schools” It also said “Maori animism is a religious belief system that is not a requirement for children to learn under the NZ state school curriculum...You have a voice about this”.

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

Complainant, D McDonald, said: I am complaining regarding the level of racism displayed by Rodney Horrell in regards to an advertisement in The Star newspaper on August 22 on Page 33 under classifieds. Horrell claims that "Maori animism is a religious belief and shouldn't be taught in schools."

a. Maori are the founding people of this country and who's culture, beliefs and values should be taught as recognised by the Treaty of Waitangi

b. the advertisement suggests hate speech, racism

My complaint is also directed at Allied Press for printing such hate-enticing speech.

Horrell is calling for people to complain about the kind of education outlined by the Ministry of Education. He is enticing people prone to racist beliefs to enact on their racist beliefs.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(e)

The Chair noted the Complainant's concerns about the level of racism displayed in the advertisement.

The Chair confirmed the advertisement was advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They say:

- 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 rights 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 Chair referred to a relevant precedent advertisement, 19/095, which was considered by the Complaints Board. The Complaints Board confirmed the 1Law4All pamphlet distributed to households in an Auckland suburb was an advertisement and upheld in part a complaint about it.

A majority of the Complaints Board said one of the statements in the pamphlet, which describes “the benefits of colonisation” for Maori, was likely to cause serious offence. The majority noted that while the pamphlet is advocating a certain political perspective, the examples used to illustrate this perspective were derogatory and likely to cause serious offence.

The Complaints Board said other statements in the pamphlet were not misleading and were justifiable expressions of political opinion about the political system in New Zealand. One example is the statement "An end to the stranglehold that one minority group has over the culture and life of a nation". The Complaints Board agreed that in the context of an advocacy advertisement, with a more liberal interpretation of the Advertising Standards Code, and in particular Rule 2(e), the statement was not misleading.

Turning to the complaint before her the Chair said the advertisement met the definition of an advocacy advertisement. The Advertiser was expressing their opinion about what should be included in the curriculum in New Zealand State schools. The advertisement was a call to action by encouraging others to contact their School Board. The Chair said in the context of an advocacy advertisement, it did not reach the threshold to be considered likely to cause serious or widespread offence.

The Chair ruled there were No Grounds for the Complaint to Proceed.

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

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.