

COMPLAINT NUMBER	19/351
COMPLAINANT	A Lensen
ADVERTISER	Dairy NZ
ADVERTISEMENT	Dairy NZ Print
DATE OF MEETING	23 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The newspaper advertisement for Dairy NZ, Beef + Lamb New Zealand and the Meat Industry Association was an open letter to the Prime Minister about the industry's commitment to a sustainable, competitive and viable farming sector. The advertisement was headed "An open letter to the Prime Minister Jacinda Ardern". Across the bottom of the advertisement were the names of the Chief Executives, their signatures and the company logos for Dairy NZ, Beef + Lamb New Zealand and the Meat Industry Association.

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

Complainant, A Lensen, said: This complaint is in reference to the open letter to the Prime Minister of New Zealand published in today's Dominion Post that was jointly authored by the chief executives of DairyNZ, Beef + Lamb New Zealand, and the Meat Industry Association. Rule 2(a) Identification of the Advertising Standards Code states:

"Content controlled, directly or indirectly, by the advertiser must not be disguised as something other than an advertisement. It must be obvious to, and well understood by, the audience that they are engaging with an advertisement regardless of the form the advertisement takes or the platform where it appears."

The Dominion Post, as a daily newspaper, publishes articles on a range of topics that utilise a variety of sources. One common source of news are press releases and open letters released by individuals or companies. It is not at all clear whether the open letter published today is included as a piece of news or whether the three organisations authoring it have paid for its inclusion in the newspaper. Given that it is not otherwise mentioned in the newspaper (as far as I can see), I suspect it is indeed an advertisement.

It is critical that advertisements of this form are clearly labelled as such, as they have the potential to mislead readers and to promote the advertiser's agenda. There is a fundamental difference between a news story that uses such open letters along with other sources of evidence to present unbiased reporting, and a polarising advertisement that is not clearly labelled as such and which is likely to mislead readers into believing it was included by the publisher as a matter of news.

I would like The Dominion Post to issue a full-page correction (to match the size of the offending advert) which clearly states the open letter was indeed an advertisement and that it should have been presented clearly as one. A public apology from the authors would also be appreciated.

The relevant provisions were Advertising Standards Code Principle 2 and Rule 2(a):

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(a): Identification: Advertisements must be identified as such.

The Chair noted the Complainant's concerns the content was not clearly identified as an advertisement. The Chair also noted the Complainant's request for the newspaper to issue a full-page correction, and a public apology from the authors.

As a preliminary matter, the Chair confirmed the ASA process is to require an advertisement not be re-used in the form complained of, if a complaint was upheld. The process does not include a requirement for a correction or an apology.

Turning to the content subject to complaint, the Chair said the open letter was not written in editorial format and signatures, names and titles of the company executives, along with logos of the Advertisers were included in the advertisement.

The Chair said while it would have been helpful if the word "Advertisement" had been written across the top of the letter, there was sufficient context within the newspaper format to indicate the content was advertising. This included the letter style, the signatures and the logos. The Chair said the advertisement was not in breach of Principle 2 or Rule 2(a) of the Advertising Standards Code.

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.