

COMPLAINT NUMBER	19/374
COMPLAINANT	I Beekhuis
ADVERTISER	Allied Press
ADVERTISEMENT	Allied Press, Print
DATE OF MEETING	30 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Star newspaper print advertisement is headed "Meet the Candidates 2019" It has the word advertorial in the top left hand corner and features information about a number of candidates running in the election. Each candidate has an authorisation statement at the end of their section.

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

Complainant, I Beekhuis, said: I'd like to make a formal complaint towards Dunedin's The Star community newspaper regarding their Sept 19th 2019 feature "Meet the Candidates 2019". The entire feature "Meet the Candidates" was made to look like an article and has caused confusion to readers. I've attached photos of the feature below.

I'd like to make it clear that this complaint is NOT about the fact that The Star made an advertorial or that candidates were offered to pay for an advertising feature, but rather in the way that it was presented.

The advertorial "Meet the Candidates 2019" is misleading and is undermining the democratic process of the Dunedin local elections because of two things: 1) the text box "advertorial" is tiny, unclear and not legible, 2) the wording "Meet the Candidates" is misleading, since not all candidates are listed, yet it's not clear from the advertorial that it's a paid ad feature. It's laid out to appear to be an article, and it has confused the public (see the supporting document attached, which included comments from the public Facebook page Dunedin News regarding the advertorial).

I have a problem with the fact that the box "advertorial" is not clear, was in such small print and was barely legible. Additionally, most people don't know what the word "advertorial" means, or that it is an advertisement. I also have a problem with the wording "Meet the Candidates" since not all the candidates are listed and this was not made clear to readers.

The implications for this "article" by The Star is that in the lead-up to local elections, it doesn't give the public all the information they need to make an informed vote. Given that The Star is distributed for free, there will be many readers (especially elderly) who don't have access to other forms of media regarding the elections and will believe that the "Meet the Candidates 2019" article is in fact all the candidates on offer for the local elections. This has major implications for the outcome for the decisions made by the readers, especially the elderly would not be able to see the tiny black box "advertorial". The Star is negligent that the words "advertorial" were in such a small and unclear font, in a dark box, and a dark background.

I feel that The Star should have made it much clearer that this was an advertisement, with bigger text, clearer text colour, font and background. Additionally, they should not have used the words "Meet the Candidates", when in fact, it was only a selection of the candidates, and The Star did not make this clear to the reader.

I've included the email response below from Paul Dwyer of Allied Press in relation to my complaint. He defends their decision stating that each ad is authorised by the said candidate. Unfortunately, many readers don't understand that the "Authorised by..." text indicates that it's an ad.

I was not alone in being confused about the Meet the Candidates feature. I've attached a screenshot of public comments from the Facebook page 'Dunedin News', where this feature was discussed.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);

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

Rule 2(b): Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant's concerns the advertisement is misleading due to the size and possible misinterpretation of the word 'advertorial'. The Complainant is also concerned the heading "Meet the Candidates" could be misleading.

The Chair said the word 'advertorial' was a commonly used heading for advertising with content presented in an editorial format and did not consider it would be misleading to most consumers. The Chair acknowledged that the size of the word was small, however this did not constitute a breach of the Advertising Codes.

The Chair said the Advertiser was entitled to use the heading "Meet the Candidates" to introduce a group of candidates who have paid to be in the feature. The candidate advertisements have authorisation statements as required for election advertising under the Local Electoral Act. The Chair said this advertisement was just one resource for voters to refer to during the election and did not purport to include every candidate standing,

The Chair said the advertisement did not reach the threshold to breach Principle 2 or Rule 2(b) 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.