

COMPLAINT NUMBER	19/314
COMPLAINANT	M Sherwood
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Digital Marketing
DATE OF MEETING	14 October 2019
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand National Party Twitter advertisement shows Hon. Simon Bridges asking questions during Question Time in Parliament. Following each question, the footage switches to a test pattern with the wording “Labour Parliament TV footage UNAVAILABLE.” The advertisement ends with the authorisation statement “Authorised by Simon Bridges, Leader of the Opposition, Parliament Buildings, Wellington”

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

Complainant, M Sherwood, said:

<https://twitter.com/NZNationalParty/status/1178014006931591169?s=20>

This is a total lie. Question time or debates are on free-to-Air tv, And if you can't watch it there it's on demand here: <https://vimeo.com/nzparliament>

This ad is in fact a lie from start to finish

On Twitter on Sunday 29th september, 21019 at 7.30 am

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

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.

Rule 2(e): Advocacy Advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser’s position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

The Chair noted the Complainant’s concern the advertising was misleading as it implied that Parliamentary question time cannot be viewed when it is available on television and OnDemand.

The Chair said the advertisement’s intent was to highlight the recent debate on the rules relating to the use of Parliament TV footage under Standing Orders. Appendix D: Rules for

filming and conditions for use of official television coverage spells out these restrictions and in particular Part B which states:

“Part B: Conditions For Use Of Official Television Coverage

Official television coverage of the House is made available on the following conditions:

1. Any broadcast or rebroadcast of coverage must comply with the broadcaster’s legal obligations.
2. Coverage of proceedings must not be used in any medium for:
 - (a) political advertising or election campaigning (except with the permission of all members shown):
 - (b) commercial sponsorship or commercial advertising.
3. Reports that use extracts of coverage of proceedings and purport to be summaries must be fair and accurate.”

The Chair said the Advertiser was making a political statement about the use of Parliament TV coverage under the current rules. The Chair said the Advertiser was taking issue with the Speaker’s enforcement of rules about Parliament TV.

The Chair said this type of advocacy advertising reflecting an opposition party’s view in a matter of current public debate was provided for under the Code and did not meet the threshold to be misleading. The Chair said taking into account the context, medium and likely audience, the advocacy advertisement did not 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.