

COMPLAINT NUMBER	19/399
COMPLAINANT	J Kay
ADVERTISER	NZ Young Nats
ADVERTISEMENT	NZ Young Nats, Digital Marketing
DATE OF MEETING	14 October 2019
OUTCOME	No Grounds to Proceed

Advertisement: The NZ Young Nats Facebook advertisement says "Labour thinks power companies shouldn't be allowed to give you a discount if you pay your bill on time. We think that's the Nanny-state at its worst. Labour's bright idea to bring down Kiwis' power bills? Ban Prompt Payment Discounts."

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

Complainant, J Kay, said:

https://www.facebook.com/NZYoungNats/photos/a.10150192999352622/10157571018667622/?type=3&comment_id=10157571259877622&if_id=1570083481844318&if_t=feedback_reaction_generic

Kia ora, The advertisement I saw posted by the Official NZ Young Nats Facebook page on 3/10/2019 around 7:15PM is factually misleading.

On the grounds that,

As found by a government committee, a prompt payment discount is actually construction to obscure a late payment fee. Therefore the claim that "Labour thinks power companies shouldn't be allowed to give you a discount if you pay your bill on time. "

Is incorrect as the as there is no "discounted" price.

The structure and language of the Ad make it appear as though Labour want to increase voters power bills when this is not the case.

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 advertisement was misleading as it gave the impression that Labour want to increase the cost of power bills.

The Chair confirmed that under Rule 2(e) of the Advertising Standards Code, advocacy advertisements must clearly identify the Advertiser. The Chair said the advertisement appeared on the NZ Young Nats Facebook page, the youth wing of the NZ National Party. She said it is the Advertiser's opinion on the Government's proposed energy review.

The Chair noted that one of the measures being proposed was to stop energy companies offering special pricing to customers who pay their bills on time, which the review considered amounted to a late payment penalty for those who couldn't meet the deadline.

The Chair said the identity and position of the Advertiser was clear. The Chair said this type of advocacy advertising reflecting opposition group's views was provided for under the Code and it did not meet the threshold to be misleading. It was also a matter of current public debate so consumers would have access to a range of views on the issue.

The Chair said taking into account the context, medium and likely audience, the 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.