

COMPLAINT NUMBER	19/400
COMPLAINANT	T Newman
ADVERTISER	West Auckland Licensing Trusts Action Group
ADVERTISEMENT	West Auckland Licensing Trusts Action Group, Unaddressed Mail
DATE OF MEETING	14 October 2019
OUTCOME	No Grounds to Proceed

Advertisement: The flyer advertisement for the West Auckland Licensing Trusts Action Group (WALTAG) includes the wording “Portage & Waitakere Licensing Trusts. Let’s Make the Trusts Serve the West. Choice. Transparency. Democracy.”, on an orange background. The group’s website address is displayed. The back of the flyer introduces the candidates running for the local body election and presents the group’s position on the current licensing trust arrangement.

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

Complainant, T Newman, said: I find the advert deceptive. The front has the old trust colours. Also the heading purports to be Portage and Waitakere licencing trust. the brochure pretends they are working for the Trust where in reality they want a referendum to take away it’s monopoly..so at first glance people might be thinking they support the the status quo when the are looking to do the opposite

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 consumers may believe the imagery and title are promoting the Portage & Waitakere Licensing Trusts when the advertisement is for an opposition action group.

The Chair said the advertisement for WALTAGI was an advocacy election advertisement intended to promote its candidates running in the 2019 Local Body election and its support of a referendum on The Trusts monopoly.

The Chair confirmed that under Rule 2(e) of the Advertising Standards Code, advocacy advertisements must clearly identify the identity of the Advertiser. The Chair said the information featured in the flyer made it clear WALTAG was advocating for greater choice and transparency to West Auckland's licensing trust arrangements. The advertisement included a website address which provided greater context for consumers who wanted to learn more. The Chair said the advertisement also contained an authorisation statement as required for election advertising under the Local Electoral Act.

The Chair said the identity and position of the Advertiser was clear. The Chair said this type of advocacy advertising reflecting lobby group's views was provided for under the Code and it did not meet the threshold to be misleading.

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.