

COMPLAINT NUMBER	19/381
COMPLAINANT	M Caddie
ADVERTISER	Eastland Wood Council
ADVERTISEMENT	Eastland Wood Council Print
DATE OF MEETING	26 November 2019
OUTCOME	Not Upheld No further action required

Description of Advertisement

The newspaper advertisement for Eastland Wood Council said:

Myth: There's no biodiversity in pine forests.

Fact: The diversity of plants and animals on forestry land is higher than that found on farms or orchards." The advertisement included the Eastland Wood Council logo, a tagline with "Forestry for Life" website address, eastlandwood.co.nz.

Summary of the Complaint

The Complainant was concerned the advertisement was misleading because forestry land is clear-felled every 20-30 years, which destroys the biodiversity, and many farms and orchards have stands of native bush.

Issues Raised:

- Truthful Presentation
- Advocacy Advertising

Summary of the Advertiser's Response

The Advertiser defended the advertisement and said the content of the advertisement was obtained from Scion, the crown research institute for the forestry sector. The advertiser provided evidence to support the statement.

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a newspaper advertisement for Eastland Wood Council. The Board said the statement "Fact: The diversity of plants and animals on forestry land is higher than that found on farms or orchards" was made in the context of an advocacy advertisement and the Advertiser had provided sufficient substantiation to support it.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

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 Complaints Board said the advertisement before it fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under rule 11 of the Code of Ethics remain relevant. They say:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Complaints Board observed that in a free and democratic society, issues should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations. Therefore, the Complaints Board considered the rest of the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 14/201, which was Not Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 14/202 concerned an advertisement on a website (www.fluoridationfacts) maintained by the Ministry of Health which advocated the benefits of water fluoridation. It stated in part: “The facts. Community water fluoridation is an effective, safe and affordable way to prevent and reduce tooth decay for everyone.” The Complainant said the Ministry is one of New Zealand’s primary advocates for water fluoridation yet its website failed to identify itself as an advocacy site for the practice and presented its findings as “the facts” when the Complainant said it was the Ministry’s “disputed opinion rather than accepted fact.”

The Complaints Board said it was clear from the url (www.fluoridefacts.govt.nz) that the website was presenting the information advocating the government’s position on water fluoridation. The Complaints Board said there was no ambiguity that the website was run by the Ministry and presented evidence-based research about the benefits of water fluoridation.

The Complaints Board said the Ministry had developed its position through robust evidence-based research that it presented as “facts” on a website that advocated the benefits of water fluoridation. Conversely, the Ministry had referred to unsubstantiated statements about the risks of water fluoridation by opponents as “myths.” The Complaints Board said the Ministry’s “fact/myth” dichotomy did not reach the threshold to be said to have confused fact and opinion.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was there is more biodiversity in forestry land than in land used for farming or orchards.

The Complaints Board noted that as the advertisement was published in a newspaper, the Gisborne Herald, the audience was predominantly adult and may well be aware of the local debate around the use of land for forestry, rather than farming or orchards.

Was it an advocacy advertisement?

The Complaints Board agreed the advertisement fitted the definition of an advocacy advertisement. The Complaints Board said the identity of the Advertiser, Eastland Wood Council, was sufficiently clear, and noted the Eastland Wood Council logo, the tagline “Forestry for Life” and their website address were also included in the advertisement.

Was the advertisement misleading?

The Complaints Board agreed the advertisement did not reach the threshold to be misleading.

The Complaints Board said the Advertiser provided substantiation regarding the level of diversity of plants and animals on forestry land, however there was no specific research evidence cited comparing this diversity to that found on farms or orchards.

The Complaints Board took into account the statement and supporting evidence was sourced from Scion, the Crown Research Institute with expertise in the forestry sector. The Complaints Board therefore accepted that Scion could substantiate the statement.

The Complaints Board said the statement “Fact: The diversity of plants and animals on forestry land is higher than that founds on farms or orchards” was not misleading in the context of an advocacy advertisement published by an organisation representing the forestry industry.

The Complaints Board said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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.

APPENDICES

1. Complaint
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINT FROM M CADDIE

The advertisement claims as fact a statement that is untrue. Forestry land is by definition clear-felled every 20-30 years which destroys any indigenous biodiversity above the ground that may have started to regenerate under pine tree cover. Most farms and many orchards have stands of native bush that are never removed. The advertiser makes a blanket statement claiming it as fact that is in reality untrue.

Appendix 2

RESPONSE FROM ADVERTISER, EASTLAND WOOD COUNCIL

COMPLAINT

“The advertisement claims as fact a statement that is untrue. Forestry land is by definition clear-felled every 20-30 years which destroys any indigenous biodiversity above the ground that may have started to regenerate under pine tree cover. Most farms and many orchards have stands of native bush that are never removed. The advertiser makes a blanket statement claiming it as fact that is in reality untrue. “

INFORMATION TO SUPPORT THE ADVOCACY OF BIODIVERSITY IN PLANTATION (PINE) FORESTS

The following seeks to supply information from a range of resources, including research reports, and news paper articles of specific examples of biodiversity existing in pine forests.

The complaint centres on the charge that harvesting of a forest diminishes the degree of indigenous biodiversity in a plantation forest to below that found in pasture or orchard and so the Eastland Wood Council advertisement was misleading under the terms of the criteria laid down by the Advertising Standards Authority.

Definition of biodiversity:

There are various definitions of biodiversity, but we submit that the plain English meaning is of a variety of plants and animals in a particular environment, with the assumption that the greater the variety of the biodiversity the more desirable that environment is.

The complainant cited indigenous biodiversity, but we submit that this is not applicable since the advertisement made no claim about indigenous biodiversity – only biodiversity, which could be a mix of indigenous and exotic.

The complainant also referred to biodiversity above ground, which is again a claim not made in the advertisement. However, we are quite prepared to offer a response based on a restriction to above ground biodiversity.

We submit that it is reasonable to assume that the claim of biodiversity in a plantation forest is based on that found in a forest of the average age of trees older than 17 years.

(Page 17 of the joint Forest Owners Association and Ministry for Primary Industries joint publication, Facts & Figures 2018 – 19

http://www.nzfoa.org.nz/images/Facts_and_Figures_2018-2019_Web.pdf) Biodiversity will be greater just prior to harvest than immediately after harvest with the inevitable damage caused to other species by the harvesting as identified by the complainant.

The claim of biodiversity in a forest is based on the biodiversity mix of different age classes and at different stages of rotation in our 1.72 million hectares of plantation forestry in New Zealand. Our industry defence against the complaint does not rely on any claim of biodiversity at the point of harvest which is the basis of the complaint.

Pastures in New Zealand are dominated by a mix of perennial ryegrass and clover (see page 7 of Facts & Figures). Efficient production of animal protein relies on maximising the concentration of these two plants by minimising the competition with other plant species, with only an exceptional use of other species such as plantain.

The complainant points to the destruction of the biodiversity caused by harvesting 'every 20 – 30 years'. A similar pattern exists with New Zealand pasture renewal, where the pasture is cultivated, causing below-ground biodiversity to be severely impacted;

<http://www.pasturere renewal.org.nz/>

The cited current rate of pasture renewal – 3-4% - is similar to that of forest harvesting, though forest harvesting does not require any disturbance below the soil surface as pasture renewal usually does.

It is important to note that huge investment in chemical treatments to protect plant production, including that of forest trees, as cited by NZIER for the Agriculture and Chemical Manufacturers Association;

<http://agcarm.co.nz/wp-content/uploads/NZIER-SUMMARY-red-version.pdf>

The design of such chemical use is to kill potentially harmful organisms, be they weeds, micro-organisms or animals, in order for the cultivated plants to thrive. The overwhelming effect of the chemicals' use is to reduce the biodiversity in the environment they are used in, whether the organisms are targeted or not. The Agcarm site gives an indication of how extensive chemical use is in New Zealand.

Plantation forest trees do indeed benefit from chemical use as do other cultivated plants. But that chemical use, and therefore effect on biodiversity, is much less. A release spray of herbicide is used around newly planted tree seedlings. One such spray will occur only once in each tree rotation, that is, according to the reasonably accurate estimate of the

complainant, of every 20 – 30 years. The spray will be concentrated immediately around the tree and so be applied to only a small percentage of the forest surface area.

Foresters will occasionally spray their trees with fungicide to combat diseases. The spray programme is once a year and confined to the less impactful fungicides. Pasture and orchard sprays usually include pesticides and for orchards are applied much more frequently (https://www.cropscience.bayer.co.nz/crops/fruit_vines/kiwifruit/spray%20programmes)

Insecticide spraying of *Pinus radiata*, (see page 18 of Facts & Figures to show by far the dominant species in our plantation forests) does not occur.

A plantation tree will typically be 36m tall at harvest. The desirable height for pasture is only a few centimetres. Forests intrinsically have a greater capacity to carry greater biodiversity though far greater organic volume than pastures. Any argument for species biodiversity in pasture is therefore largely dependent on below-soil biodiversity (though not advanced by the complainant who specified above soil diversity) but the farmer use of pesticides to kill such below ground insects as porina or grass grub is extensive.

Trees afford a protective habitat for many larger species, in particular bird species wishing to hide from predators, either other birds, or animals such as mustelids, cats and dogs. On pasture they would be far more vulnerable and so avoid it as much as possible.

An example, is the case of the native falcon (cited elsewhere). These birds are endangered. Their preferred habitat is the cutover forest adjacent to a mature forest block. The cutover area is replanted with pine seedlings but also soon colonised with exotic species of short-lived plants. These plants attract birds and animals.

The falcons feed on these birds (such as finches) and animals (such as mice). Meanwhile the nearby mature trees afford high perch protection to the falcons from the various predators which attack them.

It can be seen from this that there is considerable biodiversity variation through the evolution of a rotation. After harvest, the biodiversity actually increases. Colonising light demanding species, both native and exotic, will dominate the area and biodiversity is extensive. As time goes on, the colonising species will diminish and be replaced by a range of ferns and other tall growing usually indigenous tall growing trees, particularly on the forest margins and the riparian margins of watercourses.

The complainant makes the claim that most farms have stands of native bush. A recent study commissioned by Beef + Lamb states that some 13 percent of New Zealand's sheep and beef land is covered by 'indigenous forests'; <https://beeflambnz.com/norton-report>

A similar assessment has been made for plantation forests, (page 59 of Facts & Figures) which shows about 20 percent of the plantation are covered by FSC certification is indigenous forests. This is not only well above Beef + Lamb's assessed rate of indigenous vegetation, but vegetation for which the destructive effect of livestock is usually excluded, unlike farmland where stock invariably have access – or it could not be called farmland.

Furthermore the sheep and beef land number cited, does not include dairy pasture, which has a much lower component of forest cover.

1. The complaint states “Forestry land is by definition clear-felled every 20-30 years which destroys any indigenous biodiversity...”

The management of forest harvesting through selective and rotational harvesting, the RMA, and NES-Plantation Forestry, Council issued forest consent conditions, are stringent in their application to ensure the protection and biodiversity of indigenous species of flora, fauna and aquatic life, riparian margins, which Forest companies must adhere to.

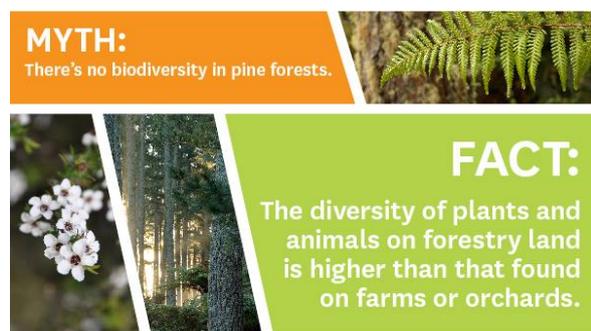
The following scientific research articles provide information to support the biodiversity in plantation forests:

from Scion

<https://www.nzffa.org.nz/farm-forestry-model/the-essentials/roads-earthworks-and-harvesting/report-an-alternative-to-clear-felling-radiata-pine/>

2. Scion Research Institute Website

<https://www.scionresearch.com/about-us/news-and-events/news/2019/forestry-myths-busted>



The surprising level of indigenous species living among radiata pine is due in part to planted forests functioning as a haven for some species in highly modified landscapes where they are often the only forest habitat. In fragmented landscapes, planted forests can also become parts of corridors that facilitate species movement between otherwise isolated native forest patches and other habitats.

New Zealand and its forest owners are looking after indigenous flora and fauna. Areas of significance are protected by law. Forest certification systems like the Forest Stewardship Council (FSC) and Programme for the Endorsement of Forest Certification (PEFC) certify forests meet verified standards of forest management, including maintaining, conserving and enhancing biodiversity throughout the entire forest estate. By identifying, mapping and managing areas of significant indigenous biodiversity, forest owners and managers can schedule forest activities around kiwi and karearea breeding seasons, fish spawning, and maintain riparian buffers during logging, for example. Predator control is another activity that directly improves biodiversity.

References:

<https://www.nzfoa.org.nz/resources/file-libraries-resources/environment/factsheets/637-biodiversity-fact-sheet/file>

Brockerhoff, E. G., Jactel, H., Parrotta, J. A., Quine, C. P., & Sayer, J. (2008). Plantation forests and biodiversity: oxymoron or opportunity? *Biodiversity and Conservation*, 17(5), 925-951.

Pawson, S. M., Ecroyd, C. E., Seaton, R., Shaw, W. B., & Brockerhoff, E. G. (2010). New Zealand's exotic plantation forests as habitats for threatened indigenous species. *New Zealand Journal of Ecology*, 342-355

3. New Zealand's exotic plantation forests as habitats for threatened indigenous species <https://newzealandecology.org/nzje/2941>

New Zealand Journal of Ecology (2010) **34(3)**: 342- 355

S.M. Pawson ^{1*}, C.E. Ecroyd ² R. Seaton ³, W.B. Shaw ⁴, E.G. Brockerhoff ¹

1. Scion (New Zealand Forest Research Institute Ltd), PO Box 29237, Fendalton, Christchurch, New Zealand
2. Scion (New Zealand Forest Research Institute Ltd), Private Bag 3020, Sala Street, Rotorua, New Zealand
3. Golder Associates (NZ) Ltd, PO Box, 33-849, Takapuna, Auckland, New Zealand
4. Wildland Consultants Ltd, PO Box 7137, Te Ngae, Rotorua, New Zealand

4. Biodiversity fact Sheet, NZFOA

<https://www.nzfoa.org.nz/resources/file-libraries-resources/environment/factsheets/637-biodiversity-fact-sheet/file>

Biodiversity fact sheet supporting the biodiversity within a forest, including in cut over, harvested as well as mature forests, and indigenous plantings

5. Local examples showing protected management and protection of New Zealand's native bat.

a) 20 August 2019, <http://gisborneherald.co.nz/environment/4244955-135/endangered-bats-an-exciting-find>

b) Published: January 11, 2019 4:33PM **Da da da da da da da da . . . bat plan**, Gisborne Herald by [Mark Peters](#)

ONGOING TALE: Long-tailed bats that have made an East Coast pine plantation their home are protected by Hikurangi Forest Farms' bat plan. Department of Conservation picture

No caped crusader has come to rescue New Zealand's only native land mammal but the pekapeka-tou-roa does have a bat plan.

To protect the pekapeka-tou-roa, otherwise known as the long-tailed bat, that has made its home in remnant East Coast native forests inland from Tolaga Bay, Hikurangi Forest Farms developed a bat management plan.

Looking after rare species in forestry plantation

Hikurangi Forest Farms management plan says its "resource" contains a number of protected management areas that are considered "high conservation value native forests".

“All PMAs (Protected Management Areas) are identified in the local government district plan, riparian and indigenous forest fragments which contain New Zealand’s indigenous biodiversity (even though many of them are very small remnants from land clearance dating back to the 1890s).

“HFF (Hikurangi Forest Farms) does not harvest indigenous species on its estate and further, has an interest in enhancing and protecting the remaining indigenous areas on the estate, allowing them to restore themselves as fully as possible.”

HFF has also liaised with the Department of Conservation on how best to manage the remaining fragments of indigenous vegetation within its resource.

“DoC has identified a number of species that they are currently interested in from a rare, threatened or endangered perspective. The main species are New Zealand falcon, kiwi, weka and kaka beak.”

And now long-tailed bats.

The area will be protected and a pest control programme has been intensified to protect the bat’s roost sites from predators such as stoats and rats.

“The protected area is marked on the map and our harvesting contractors have copies of the map,” says Hikurangi Forest Farms planning and environmental manager Kim Murdie.

The long-tailed bats roost in native trees in an environment that sounds like prime real estate — in small cavities within trees that have high temperatures and humidity.

“The older the tree the better,” says Mrs Murdie.

“We have a scenic reserve bordering the plantation. The Waingaromia River runs through the reserve and the Hikurangi Forest Farms estate. Bats use the river as a flight path and to feed.

The company worked closely with Steve Sawyer of Ecoworks to help with the development of the management plan.

“He monitors the area and helps with pest management.”

Although more commonly seen than short-tailed bats as they fly at dusk along forest edges, the long-tailed bat has the highest threat ranking of “nationally critical”. They hunt by hawking — capturing and consuming airborne insects while in flight. Flies are long-tailed bats’ preferred food but they are also partial to moths, midges, mosquitoes and beetles.

New Zealand has two species of native bats, the long-tailed bat and the lesser short-tailed bat. The Maori name for both species is pekapeka.

In the 1800s the pekapeka-tou-roa were common throughout New Zealand but by 1900-1930 their numbers dwindled in many districts. The native land mammal’s population decline is attributed to a combination of logging of native lowland forests, removal of old-age trees for firewood and predation by introduced animals such as cats, possums, rats, and stoats.

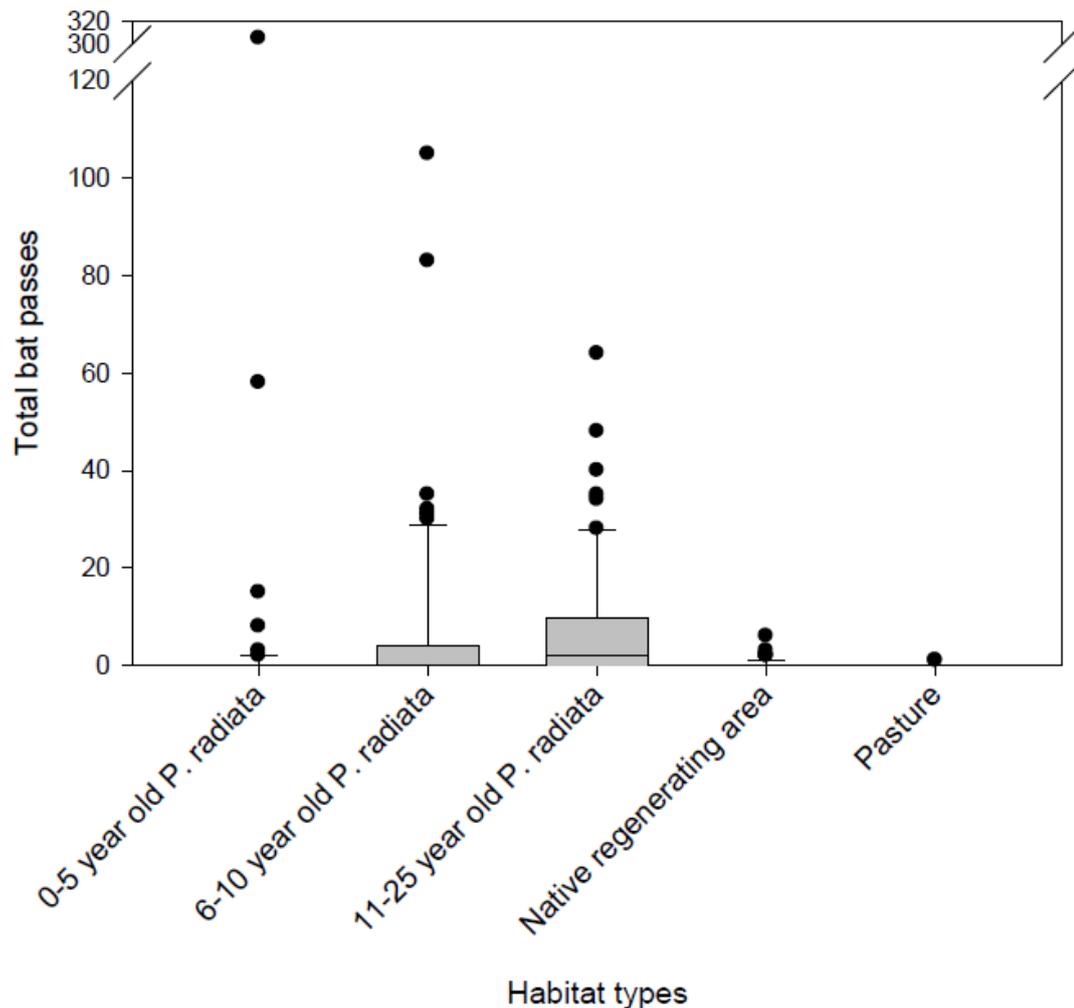
6. **Rare Species found in forests** <https://rarespecies.nzfoa.org.nz/>

7. It is well established that production forests support higher biodiversity than pasture. The complainant notes the farmland and orchards have stands of native bush that is never removed. Plantation forestry also has such areas set aside including indigenous forest remnants, riparian vegetation and wetland areas. Just as on farmland these areas are protected in the longer term through multiple rotations.

However within the productive area it is well understood that the habitat created by the exotic production forest itself supports a large number of indigenous species, far greater than is supported by grazed pasture. The complainant notes that harvesting takes place every 20- 30 years and asserts that this 'destroys all indigenous biodiversity'. It is obviously correct that plantation forests are periodically harvested – typically around 27-30 years for radiata pine. However studies show that at a landscape level harvested forests support a wide range of species in the longer term, that utilise niches within the landscape. Those that utilise the mature forest move around this changing landscape maintaining long term populations. Even the cutover environment creates a niche environment utilised by a number of species, most notably the NZ Falcon (Karearea) that nests in the forest cutover. Threatened and at-risk species found within the production forest landscape include NZ Falcon, North Island Brown Kiwi, Long-tailed bats, weka, long-tailed cuckoo, NZ robins, Kea and Kaka along with a range of more common indigenous and exotic species.

I have attached by way of reference a number of papers and studies that support the conclusion that plantation forests provide for greater biodiversity than pasture:

- A National Geographic article by Steve Pawson (Scion) from 2005 that gives a good general overview of biodiversity in production forests
- Richard Seaton's PhD study of NZ Falcon in Kaingaroa Forest (3rd rotation) which confirmed the importance of production forests as habitat for Falcon – the abstract on page v provides a good summary.
- Kerry Borkin's PhD study of long-tailed bats in Kinleith Forest (3rd rotation) confirming long-tailed bat use in the mature forest. The following graph on page 2-22 shows relative bat passes in different habitat types including pasture and different tree ages, which supports both the assertion that after harvest biodiversity is not (destroyed) and also a comparison with pasture.



Sally Strang, Environmental Manager, **Hancock Forest Management,**

8. <https://organicnz.org.nz/policies/biodiversity-agriculturediverse-agriculture/>

9. Pine afforestation and stream health: a comparison of land-use in two soft rock catchments, East Cape, New Zealand

Parkyn, Stephanie M.1,3, Davies-Colley, Rob J.1, Scarsbrook, Mike R.1, Halliday, N. Jane1, Nagels, John W.1, Marden, Mike2 and Rowan, Donna2 (2006)

10. Natives in a Pine Forest Geographic 2005 Pawson & Brockerhoff

11. Biodiversity in planted forest – Camus et al 2006 Journal of Forestry 104,

12. Plantation Forests Biodiversity – Brockerhoff Jactel Parrotta Quine Sayer 2008

13. Plantations as a forest habitat for ground beetles – Berndt et al 2008

14. Production Land use alters edge response functions in remnant forest invertebrate communities. Ecological Applications - Campbell et al 2011

A basic, neutral description of the advertisement	FORESTRY FOR LIFE ADVERTISEMENT showing a commonly held misconception on forestry – “There’s no biodiversity in pine forests” MYTH/FACT
Date advertisement began	21 st September 2019
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Gisborne Herald
Is the advertisement still accessible – where and until when?	No
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	N/A
Who is the product / brand target audience?	Readers of the Gisborne Herald, readers within the Tairāwhiti-Gisborne region.
Clear substantiation on claims that are challenged by the complainant.	The advertisement information and material originated from Scion, the Crown Research Institute. Refer to attached information

Appendix 3

RESPONSE FROM MEDIA, THE GISBORNE HERALD

This advertisement only ran once, and we have removed the ad from being published again, and we apologise if this was found to be misleading or confuse our readers.