

COMPLAINT NUMBER	19/460
COMPLAINANT	C Coveney
ADVERTISER	Chinese Consulate General
ADVERTISEMENT	Chinese Consulate General, Print
DATE OF MEETING	2 December 2019
OUTCOME	No Grounds to Proceed

Advertisement: The advertorial for the Chinese Consulate General appeared in the Star newspaper on 14 November 2019 and promoted a paid content article titled “Leap Forward of Tibet in the Past 60 Years”. Headings included: “Improved Infrastructure”, “Solid Progress in Education” and “Fundamental change in Economic Structure”. At the bottom of the page there was a statement: “The advertorial page is supported by The Chinese Consulate”.

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

Complainant, C Coveney, said: The advertorial placed by the Chinese Consulate is misleading.

I have studied and visited Tibet and know of many refugees and people imprisoned randomly.

The claim of social reform: When China took over/invaded Tibet whilst their society had a different system, it is no better off. Tibetans have become an underclass. The nomadic people have been forced off their land and forced to live in concrete blocks of houses, which may be warmer but have left people with loss of way of life and meaning.

How can the high level of censorship and surveillance, random imprisonments, torture and accusations be freeing people?

Tibetan identity has been annihilated by the dominant Chinese communist regime which is very different.

Tibetans were spiritually connected to the land, the animals, the water, the fish, the birds. They did not kill unless they needed to eat for food. This was part of their culture. Not to exploit, abuse and kill the land, the animals, the fish.

The system would have undergone change due to changes in leadership under the next Dalai lama.

There were two arms of governance like Bhutan. One was spiritual and one was political.

Claims of freedom are misleading as the Chinese Communist party has forced people off their land, destroyed 600 monasteries and nunneries, families who fled cannot return to visit their loved ones. 1.2 million Tibetans were killed.

The Han Chinese were brought in via the new Railway by the thousands so Tibetans have become a minority in their own land.

The Chinese have economically benefitted from taking over Tibet because of the largest deposits of mineral resources and forests and most precious of all water to power the industry of China that has made China a very wealthy nation.

Many Tibetans live in poverty and fear., especially the elders who found it hard to cope with forced changes. When their children rebelled they were arrested.

Alcohol and drug addiction and prostitution (never experienced before by Tibetans) has increased. A friend was trying to educate young Tibetan girls to use condoms and was nearly arrested. Everyone is under surveillance. Is that freedom?

The Tibetan guides for tourists are watched and when travelling if a photo or The Dalai Lama is mentioned you can be arrested or the tour company shut down. Is that Freedom for Tibetans.

Claims of raising living standards from a holistic view is misleading. There is more rubbish and pollution. Their lifestyle was not modern but that does not mean it needed to be changed.

Claims of flourishing cultural undertakings are misleading. What has happened in Tibet is China states what "culture" is acceptable. The largest nunneries and monasteries" Larung Gar and Serung Gar were bulldozed and thousands of young girls/nuns and monks were forcibly evicted recently (past 3 years) with only 500 allowed to stay. The purpose was to make way for thousands of Han Chinese to settle. This was one of the largest Buddhist educational institutions in Tibet.

Part of Tibetan culture was to send one child from each family to be educated in a monastery or nunnery. This was part of their cultural system.

Now that the monasteries and nunneries have been rebuilt, including the Potala as tourist attractions. Many Chinese and Europeans visit these museums of Tibetan culture.

Tibetan schools were not allowed to teach Tibetan language or teach about the Dalai Lama. Those who did faced imprisonment. A recent film called Miracle of the Little Prince shows the importance of linguistics, how people's language is linked to their identity and culture. So if you destroy the language you destroy identity. In this film researched by a linguistics expert, it shows the pain of the Tibetans, being the most painful psychologically.

It is illegal to fly the Tibetan flag. Their flag symbolised their culture, their politics, their spirituality being interconnected.

Tibetan culture is permitted and exploited as a commodity to sell tourists and sell Tibet as part of China.

The progress in education is done one way, the Chinese way. There has been little choice for Tibetans to maintain their indigenous knowledge and spiritual knowledge. In one generation China can try to eradicate this knowledge by superimposing their language and values on children. I call this propaganda and brainwashing. There is no choice. There is no respect for Tibetans.

Claims of strengthening ecological protection are misleading. China's grab for resources has led to damming sacred rivers and lakes. Rivers and fish have been poisoned by mining for lithium. How can that help the health of rural Tibetans. Tibet has been used as a dumping ground for nuclear waste. How does that help Tibetans' health?

landslides caused by deforestation have killed thousands of Tibetans. One landslide at a tourist spot resulted in the Chinese rescuing the Chinese tourists only and leaving the villagers to fend for themselves.

No respect again for Tibetans' lives or sustainable lifestyles and spirituality.

The wildlife that existed in Tibet before 1950 has been decimated by hunting, deforestation, mining, building roads, population by Han Chinese, poaching and killing animals that endangered like the snow leopard for Chinese medicine.

The yaks that were once the huge source of food and clothing have been decimated as China took the land and the animals to feed their population, especially the army.

Tibet's delicate ecology will also have an impact on Asia's water supply. I think it is thus very hard to see how much Tibet has benefited from China's occupation/Leap Forward as stated in the article Leap Forward of Tibet in past 60 years.

There is evidence held by the United Nations, Human Rights Watch, Amnesty International, ecologists that would support my statements.

The Star, Christchurch November 14. Advertorial by the Chinese Consulate. Leap Forward of Tibet in the Past 60 years is this misleading and trying to influence the people of Christchurch that no harm has been done to the Tibetan culture and environment.

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 from the Chinese Consulate General was misleading.

The Chair noted the advertisement presented a view about progress in Tibet from the Advertiser, the Chinese Consulate General. The Chair confirmed the advertisement met the definition of an advocacy advertisement.

That definition says: "Advocacy advertising is often characterised by parties having differing views that are expressed in robust terms. This is especially so when there is proposed legislation or a referendum on an issue. Examples include abortion, fluoridation, immunisation and legalisation of marijuana. Government advertising on a range of health and safety initiatives are also likely to be advocacy advertising."

The Chair said the identity and position of the Advertisers was clear. The Chair confirmed the Advocacy Principles also applied. They state:

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 Chair observed that in a free and democratic society, differences of political opinion 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 Chair considered the rest of the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

The Chair noted the Complainant held strong views about what had happened in Tibet under Chinese control and had studied and visited Tibet.

In the Chair's view, the advertisement presented the Chinese Consular General's view of progress that has been made in Tibet over the last 60 years. The Chair considered it would be obvious to consumers the advertisement was presented from a particular point of view.

In making her decision, the Chair referred to a relevant precedent Decision, 16/198, Appeal 16/008 for the NZ Palestine Human Rights Campaign. This Decision said in part:

"The Complaints Board ruled the complaint about the NZ Palestine Human Rights Campaign billboard was Not Upheld. Complainants D. Cumin, J. Moses and R. Berg appealed the Decision. These applications were considered by the Chairperson of the Appeal Board.

She noted the view of the Complainants' that the Complaints Board Decision was against the weight of evidence as it conflated opinion and fact by stating the maps were opinion when they should be considered as factual and were therefore, inaccurate and misleading.

The Appeal Board considered all the matters afresh and was of the view the identity and position of the Advertiser was clear and provided adequate context to the maps in the advertisement before it. The Appeal Board said the maps were illustrative of a particular perspective and when the advertisement was considered in its entirety consumers would realise they were presenting a political perspective from a group campaigning to stop the occupation of Palestine."

Therefore, while noting the Complainant's sincere and strongly-held views the advertisement was misleading, the Chair said the advocacy context meant the advertisement did not reach the threshold to breach the Advertising Standards Code.

Accordingly, the Chairman 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.