

COMPLAINT NUMBER	19/483
COMPLAINANT	A Hansen
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Digital Marketing
DATE OF MEETING	22 January 2020
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand National Party Facebook advertisement uses a movie poster format and images of the Prime Minister, Rt Hon Jacinda Arden and the Minister of Finance, Hon Grant Robertson, standing side by side. The text says “How to lose a surplus in 2 years.”

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

Complainant, A Hansen, said: I believe these advertisements, authorised by Simon Bridges, to be incorrect and misleading. The New Zealand Labour Party brought New Zealand in to surplus, so these advertisements are complete 'fake news' and misleading to the New Zealand public. They should be removed.

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 is misleading to suggest the Government had lost the budget surplus.

The Chair confirmed the advertisement for the National Party was an advocacy advertisement provided for under Rule 2(e) of the Advertising Standards Code. Robust expression of opinion is allowed, as long as the advertiser is clearly identified, and the

Advertiser's position is clear. The Chair ruled the Advertiser had met the identity requirements of an advocacy advertisement.

The advertisement appears on the National Party Facebook page and includes the National Party logo and an authorisation statement. Therefore, the Chair said the context, placement and content made the identity of the Advertiser and their position clear.

Having established the advertisement was from the New Zealand National Party, the Chair noted that political advertisements were not only acceptable but encouraged, as they were an essential and desirable part of the functioning of a democratic society.

The Chair also observed that in a free and democratic society, differences of political opinion should be openly debated without undue hindrance or interference from authorities 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.

The Chair said the Advertiser was using its position as the Opposition Party in Parliament to satirise the Government via a mock-up of the poster for the film "How to lose a Guy in 10 Days". The Advertiser had superimposed the figures of Rt Hon Jacinda Arden and Hon Grant Robertson onto the poster to replace the original actors.

The Chair said the statement in the advertisement was suggestive rather than an explicit claim and amounted to political banter within an advocacy environment.

The Chair said that advertisement did not reach the threshold to be likely to mislead or deceive consumers and interested parties would be likely to investigate for themselves whether there was a surplus within the budget. The Chair also noted there is regular media coverage of the Government finances.

The Chair ruled there had not been a breach of Principle 2 or Rule 2(b) of the Advertising Standards Code and 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.