

COMPLAINT NUMBER	20/018
COMPLAINANT	M Dudley
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Twitter
DATE OF MEETING	3 February 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Twitter advertisement on the New Zealand National Party's feed says "National's Justice Spokesperson @MarkMitchellMP is at a public meeting on gang violence in Hawkes Bay. Standing room only. Kiwis are sick and tired of the Government's inaction. Families deserve to feel safe in their own communities. We will crack down hard on gangs."

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

Complainant, M Dudley, said: Directly misleading statement made by National Party twitter account saying that there's a packed hall for a meeting on gang violence when this is actually a town hall being run by Stuart Nash. This is appears to be an attempt to promote their recent policy announcement on "cracking down" on gang violence. My own personal opinions on this policy aside, I've seen a troubling amount of misleading content from the National Party twitter account as of late.

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 attempting to mislead consumers about who was running the Napier meeting.

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 Twitter feed and includes the National Party logo. 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 acknowledged that the Complainant considered the advertisement was implying the National Party MP Hon Mark Mitchell was running the community meeting, when it was in fact the Minister for Police and Napier MP Hon Stuart Nash. The Chair said there was nothing explicit in the advertisement to suggest this, with the post only stating that Mr Mitchell was present at a full meeting and gave an opinion about the stance the National Party would take on gang violence if it was in government.

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 on matters concerning the local community. The Chair also noted there is regular media coverage of the various party's policies on how they intend to tackle gang violence.

The Chair said the advertisement was not in breach of 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 calendar days of receipt of this decision.