

COMPLAINT NUMBER	20/039
COMPLAINANT	S Ferguson
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Facebook
DATE OF MEETING	13 February 2020
OUTCOME	No Grounds to Proceed

Advertisement: The sponsored Facebook post from Tim Costley, the National Party candidate for Otaki, says: "The Labour Government has raided \$billions from State Highway funding and the Horowhenua community will only get a two-lane road no earlier than 2030. The existing road is one of the most dangerous in the country and motorists are paying more for their petrol taxes than ever before. We deserve a four-lane expressway NOW. Four Lanes to Levin - Sign the petition." The post contains the National Party logo and website address and an authorisation statement from T Costley.

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

Complainant, S Ferguson, said: The statement "The Labour Government has raided \$billions from State Highway funding" is not correct or accurate. There was no pool of funding for state highways containing billions of dollars that had been established by the previous Government. This statement is being promoted on Facebook and asking people to sign a petition. This continues to be promoted through Facebook as at 21/1/2020 and is being targeted to english speaking people aged 18+ in the Levin area.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b), Rule 2(e);

The Chair noted the Complainant's concern the advertising was misleading to say the Labour Government has raided billions of dollars of state highway funding.

The Chair confirmed the sponsored advertisement from the National Party candidate Tim Costley 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 had been posted on Facebook by the National Party and includes the National Party logo, website address and an authorisation statement from T Costley, candidate for Otaki. 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 a National Party Member of Parliament, 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 noted the advertisement was a statement of opinion about the Labour Government's decisions on State Highway funding. The Chair said that context of this advertisement was particularly important as the post was prior to the Government's recent policy announcement regarding roading infrastructure.

The Chair said it was clear the advertisement was the Opposition's opinion of the Government's funding allocations at the time it was published. It promoted the local MP's support of roading improvements in his electorate and encouraged his constituents to sign a petition.

The Chair said this type of advocacy advertising reflecting an opposition party's perspective on matters of current public debate was provided for under the Code and did not meet the threshold to be misleading. The Chair said taking into account the context, medium and likely audience, the advocacy advertisement was not in breach of Principle 2 or Rules 2(b) and 2(e) 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.