

COMPLAINT NUMBER	20/254
ADVERTISER	Kia Kaha Northland
ADVERTISEMENT	Kia Kaha Northland Facebook
DATE OF MEETING	29 June 2020
OUTCOME	No Grounds to Proceed

Advertisement: The voiceover on the video advertisement on the Kia Kaha Northland Facebook page says "...Right now Jacinda Ardern's government is considering five major projects to make Te Tai Tokerau boom..." One of the projects mentioned is "Expanding Northport over ten years as Auckland's port closes" The voiceover also says "...The big-picture decisions will be made in just the next four months. But none of it will happen unless Northlanders say we want it..." The advertisement ends with the text "Follow the Campaign:" and the Facebook and Twitter information for Kia Kaha Northland.

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

Complaint: In this video there is a statement around the 30 second mark "Expanding Northport over 10 years as Auckland's port closes".

No decision regarding the future of Ports of Auckland has been decided yet, this statement is misleading and in breach of rule 2(b) Truthful presentation.

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 concerns the advertisement was misleading.

The Chair said the advertisement fitted the definition of an advocacy advertisement and the identity and position of the Advertiser were clear.

The Chair noted the advertisement presented the five proposals as "projects" currently being "considered", and the big-picture decisions had yet to be made.

While she acknowledged the Complainant's concerns, the Chair said the advertisement did not reach the threshold to be considered misleading and the advertisement had been prepared with a due sense of social responsibility.

The Chair said the advertisement was not in breach of Principle 2, Rule 2(b) or Rule 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.