

<b>COMPLAINT NUMBER</b>	20/325
<b>ADVERTISER</b>	New Conservative party
<b>ADVERTISEMENT</b>	New Conservative party Out of Home
<b>DATE OF MEETING</b>	30 July 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The billboard advertisement for the New Conservative party has the text "No Gender Ideology".

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

There were two complaints about this advertisement:

**Complaint 1:** I saw this sign for the New Conservatives party down Marshlands Road and the message, No Gender Ideology, is deeply offensive to me. When my best friend read it she wept, deep wrenching sobs because such statements are a slap in the face to any gender diverse individual. Often deeply traumatised and victimised individuals who dont need this crap written up on billboards. This message undermines the marvellous work NZ governments have made to support these individuals! We do great work for trans men and women, great examples of the targeted gender ideologists, world leading support. This message can not stand. Discrimination is not the way to garner votes. Who could trust a party that would use such tactics?

Please take this sign down.

**Complaint 2:** This is discrimination calling genders ideology.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(e);**

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not 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 offensive.

The Chair said the advertisement is an advocacy advertisement because it promotes the views of a political party.

### **About Advocacy Advertising**

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

### **About this complaint**

The Chair confirmed the Advertiser's identity and position on the issue was clear. The advertisement draws attention to the party's policy regarding gender issues. It is a reference to their intention to remove the teaching of gender ideology from education programmes in schools.

The Chair said while she acknowledges the Complainants' genuine concerns about this advertisement it is important that political parties can freely communicate their policies so that voters can decide how they want to vote.

The Chair said the advertisement was not in breach of Principle 1, Principle 2, Rule 1(c) 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.