

COMPLAINT NUMBER	20/306
ADVERTISER	Chinese Consulate General
ADVERTISEMENT	Chinese Consulate General, Print
DATE OF MEETING	17 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Chinese Consulate General advertisement which appeared in The Christchurch Star is headed "Long-Term Prosperity Demands Law and Security." The advertisement discusses China and its relationship with Hong-Kong since resuming sovereignty. The advertisement talks about the "increasing rampant activities by Hong Kong independence organisations" and "Disarray in Hong Kong placing China's national security at risk". The advertisement states it has been paid for by the Chinese Consulate along a banner at the bottom of the advertisement.

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

Complaint: The People's Republic of China are using New Zealand media to push their expansionist agenda through advertisements which clearly a) do not distinguish their opinion from fact in the ad, and b) they fail to substantiate their "factual" information The Christchurch Star should be held accountable for allowing itself to be manipulated by the CCP and it's global assault on human right and freedom of speech.

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 does not distinguish fact from opinion or substantiate factual claims made.

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

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 said the identity of the Advertiser was clear as the red banner at the bottom of the page stated: “This advertisement is paid for by the Chinese Consulate.”

The Chair said the Advertiser’s message was also clear and set out the Chinese Government’s perspective on the new security law in Hong Kong. The advertisement therefore met the criteria for an advocacy advertisement.

The Chair acknowledged the Complainant’s genuine concerns about this advertisement. The Chair considered it would be clear to most consumers that the content of the advertisement was the Chinese Government’s view on the new security law in Hong Kong. There is no requirement for opinion to be substantiated. She confirmed that the Advocacy Rule in the Advertising Standards Code provided for expression of opinion where the identity of the Advertiser is clear.

The Chair said the advocacy advertisement did not meet the threshold to breach 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.