

COMPLAINT NUMBER	20/392
ADVERTISER	New Conservative Party
ADVERTISEMENT	New Conservative Party, Out of Home
DATE OF MEETING	7 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The New Conservative Party out of home advertisement promotes the party for the upcoming election. The advocacy billboard has the New Conservative logo and the words "NZ not UN" followed by "Your Nation, Your Voice".

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

Complaint: Multiple Billboards stating NZ not UN. Leighton Baker of the New Conservative Party has his name on the billboard and is standing for Waimakariri.

The inference is that you are welcome in NZ if you are an NZ European or of Maori descent. As an immigrant myself I take exception to the view being posted on a billboard- but my sympathies are more with the victims of the mosque shootings at this time. I was lead to believe they are us as with any citizen or permanent resident of this country. The billboards incite racial division and fear of people from other ethnicities.

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.

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 New Conservative Party’s foreign affairs policy on funding to the United Nations. It is a reference to their intention to “no longer support the interests of globalists and autocrats”.

The Chair said while she acknowledges the Complainant’s 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.