

<b>COMPLAINT NUMBER</b>	20/419
<b>ADVERTISER</b>	New Conservative Party
<b>ADVERTISEMENT</b>	New Conservative Party, Out of Home
<b>DATE OF MEETING</b>	14 September 2020
<b>OUTCOME</b>	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 "No Gender Ideology" followed by "Your Nation, Your Voice".

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

**Complaint:** False/misleading advertising.

They do have a gender ideology, as they have policies and statements related to gender. See screen caps and site:<https://www.newconservative.org.nz/gender-policy>

An ideology is "a system of ideas and ideals, especially one which forms the basis of economic or political theory and policy."

It is misleading as it suggests to some that they have no stance and will not engage in the current political debate about transgender and non binary rights and access to resources.

To others who see this statement and the party's gender specific policies it suggests because it claims not to be an 'ideology' it is more 'factually correct', as many people do not understand an ideology can be factually/scientifically based.

This generates confusion, is misleading and is inaccurate.

**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.

### **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 acknowledged the Complainant’s genuine concerns about this advertisement and the statement from the New Conservative Party, “No Gender Ideology”, which the Complainant said was misleading as the party does have policy and statements on gender.

The Chair confirmed the Advertiser’s identity was clear. The New Conservative Party is a political party and their logo and promoter statement appear in the billboard. The advertisement draws attention to the organisation’s policy regarding gender issues. The advertisement therefore complies with the requirements of Rule 2(e) of the Advertising Standards Code.

In the Chair’s view, the billboard is a reference to the New Conservative Party’s policy and intention to remove the teaching of gender ideology from education programmes in schools. The Chair acknowledged the use of short statements to summarise a party’s position can leave the interpretation open to consumers. In the context of advocacy advertising, the statement in this advertisement is not a breach of the Advertising Standards Code.

The Chair confirmed 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 2, Rules 2(b) or 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). **NOTE:** Under the fast track process one month prior to the Election, appeals must be made in writing via email or letter within three (3) calendar days of receipt of this decision.