

COMPLAINT NUMBER	20/422
ADVERTISER	New Conservative Party
ADVERTISEMENT	New Conservative Party, Out of Home
DATE OF MEETING	14 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 "No More Suicide" followed by "Your Nation, Your Voice".

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

Complaint: I am writing this email as form of a complaint about the new conservative election advert.... suicide is an incredibly sensitive subject, it is something that is a trigger to a lot of people.

I am writing this email on behalf of all people who suffer mental illness that have had suicide affect their lives, for those people who have had loved ones commit suicide and still deal with the hurt.

I am especially writing it on behalf of my friend who everyday has to drive past and see this and must work through anxiety that she has worked hard to get through already. I believe this needs to be taken down, and I will not be the last complaint over the matter.

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 acknowledged the Complainant’s genuine concerns about the advertisement and the statement from the New Conservative Party, “No More Suicide”, which the Complainant said could be a trigger or distressing for people with mental health issues or who have been impacted by suicide.

The Chair confirmed the Advertiser’s identity and position on the issue was clear. The New Conservative Party is a political party. The advertisement draws attention to the party’s policy on addressing suicide. That policy sets out its view on the “interventions that can be implemented quickly to address the urgent specific needs of New Zealand’s acute mental health crisis and suicide rates.”

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 was 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 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. **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.