

COMPLAINT NUMBER	20/462
ADVERTISER	National Party MP Lawrence Yule
ADVERTISEMENT	MP Lawrence Yule, Print
DATE OF MEETING	24 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The print advertisement in the Hastings Leader newspaper has an image of National Party MP Lawrence Yule and includes the statement: "I have achieved a record \$800 million commitment to infrastructure projects in the region." The advertisement headed with the National Party logo includes the name Lawrence Yule with a tick alongside.

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

Complaint: I feel that the attached advertisement outlining a record \$800 million infrastructure spend is misleading. The wording "I have achieved" implies the spend is set in stone as opposed to being an election promise.

This is compounded as the bullet point regarding a new Hastings Hospital comes on the tail of the Government's recent funding boost of \$14.2 million to redevelop Hastings Hospital. Given that Mr Yule is the incumbent MP one might be led to believe that the 'promises' are indeed guaranteed to occur.

While the advertisement may be intended to announce election promises by National and Mr Yule there is nothing to suggest this, hence my complaint.

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 concern the print advertisement implied the “\$800 million commitment to infrastructure projects” was a foregone conclusion.

The Chair confirmed the Advertiser’s identity and position on the issue was clear. Lawrence Yule is a National Party candidate in the Hawke’s Bay region. The advertisement draws attention to the party’s policies on the Hawke’s Bay Hospital and upgrades of Napier-Taupo Road, Wairoa Road and HB Expressway infrastructure projects.

The Chair said the likely consumer takeout, given the context of the advertisement and the tick next to the candidate’s name, would be the \$800 million commitment relates to pledges from the National Party if it is elected to Government.

The Chair said voters will be familiar with the process of policy announcements from political parties during an election campaign and understand that such policies signal the intentions of the parties at the time they are made. In the context of advocacy advertising, the statement in the 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, 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. **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.