

COMPLAINT NUMBER	20/503
ADVERTISER	The Advance New Zealand Party
ADVERTISEMENT	New Zealand Public Party, Advance NZ Party, Print
DATE OF MEETING	6 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand Public Party and the Advance New Zealand Party newspaper advertisement says: “Whawhai mo Te Tai Tokerau! Fighting for a positive future for Te Tai Tokerau!” It has a tick next to Billy Te Kahika’s name alongside his picture. Underneath Billy Te Kahika’s name is the wording “MP for Te Tai Tokerau”. The advertisement includes logos for the New Zealand Public Party and the Advance New Zealand Party and a promoter’s statement.

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

Complaint: The Complainant said the advertisement is misleading and misrepresents Mr Kahika’s status in the election.

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 association of Billy Te Kahika's name and the statement "MP for Te Tai Tokerau" is misleading.

The Chair said the identity of the Advertisers, the Advance New Zealand Party and the New Zealand Public Party, is clear. The advertisement complies with the requirements of Rule 2 (e) of the Advertising Standards Code.

The Chair considered the consumer takeout of the advertisement is that Billy Te Kahika wants to be elected as the Member of Parliament for Te Tai Tokerau. The Chair noted the advertisement was published in the Northern Advocate newspaper, a local newspaper in the electorate. The Chair said the readership of the newspaper is likely to understand Hon Kelvin Davis in the current Member of Parliament.

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.