

<b>COMPLAINT NUMBER</b>	20/530
<b>ADVERTISER</b>	NZ National Party
<b>ADVERTISEMENT</b>	NZ National Party, Addressed Mail
<b>DATE OF MEETING</b>	30 October 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The NZ National Party email advertisement contained a link to a video of Hon Judith Collins, Party Leader. The email and video were a call to action to party vote National at the 2020 election. The advertisement discusses the proposed Wealth Tax, which it says could eventuate under a Labour/Green Government as well as laying out other National Party election policies.

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

**Complaint:** This arrived in my emails I have no connection to any political party at this time but am aware the message sent is untruthful and should not be allowed. I am assuming this is being sent to thousands of people and feel the information within this email needs to be corrected, no party should be permitted to email anyone false and misleading statements. Is this not illegal I did not give them permission to add my email address to their campaign.

**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.

#### *Procedural matter*

The Chair noted the ASA had run a fast-track process to deal with election complaints in the last month of the campaign from 13 September to 14 October. The complaint was received at 5.25pm on 13 October. The Chair said having only received the complaint on the morning of 14 October it was not possible to process it, obtain a response and publish a decision with 48 hours prior to the election on 17 October. The complaint was therefore processed under the normal ASA timeframes.

#### **About this complaint**

The Chair acknowledged the Complainant's concern the National Party advertisement is misleading and the Advertiser should not be sending unsolicited emails.

The Chair confirmed the Advertiser's identity as a political party and position was clear. The advertisement is an email circulated by the NZ National Party, headed "Protecting your future". It raises concerns about the proposed Wealth Tax and is a call to action to vote for the NZ National Party to protect retiree's savings, put more money in superannuitants' pockets, while protecting the SuperGold card and winter energy payment. The email included a video link of the Leader of the National Party, Hon Judith Collins reiterating campaign polices. The advertisement contains a promoter statement.

The Chair turned to the content of the email advertisement and noted it presented the National Party's opinion on the subject of a proposed Wealth Tax, which the Green Party had raised as a policy it would champion should the 2020 election result in a Labour/Green coalition Government.

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 noted the Complainant's concern that they had not given permission for the party to contact them during the campaign. The Chair confirmed the compilation of mailing lists was outside the Advertising Standards Authority's jurisdiction. The Chair noted the email included an option to unsubscribe which said "We believe that email is one of the best ways to stay in touch with our members & supporters, but you can [click here if you would like to unsubscribe](#) from these messages."

The Chair said the political advocacy 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.