

COMPLAINT NUMBER	20/378
AUTHORS	EcoFX Limited (under contract to Department of Conservation) Waikato Regional Council
ITEM	EcoFX Limited Consultation Pack
DATE OF MEETING	20 January 2021
OUTCOME	No Jurisdiction

Item: A consultation pack and letter was sent to landowners and tenants living near the Pirongia Forest Park. The letter was signed by the Operational Controllers for EcoFX Ltd, the company contracted by the Department of Conservation to undertake a large scale aerial 1080 operation in Pirongia Forest Park. The letter was headed “Pirongia Te Kauri – Tiakina Ngā Manu – Operation Consultation” and was sent as part of the required consultation process, to inform local residents of a planned 1080 operation. The pack contained brochures with the following headings: “Protecting Native Species”, “Protecting native taonga with predator control in Pirongia and Te Kauri Forest Parks”, “1080: The Facts”, “1080 & Fish: The Facts”, “1080 and Water – The Facts”, “1080 and Soil: The Facts”. It also contained a Safety Data Sheet for 1080 pellets.

The Chair ruled the Complaints Board did not have jurisdiction to consider the complaint.

Complaint: I would like to submit - to this complaint about a misleading advert, the documentation that was also sent to residents that was supposed - legally - to encourage them to make an informed consent about the proposed poison operation. Here is some examples of that propaganda [...]

Can you tell me where on the Manufacturer's Poison Safety Data Sheet it suggests that this poison is safe for fish and doesn't kill or harm them? (Fact 3)?

The Chair acknowledged the concerns of the Complainant, however she said the consultation pack, with enclosed letter, was not an advertisement for the purposes of the Advertising Standards Code.

The Chair said the item before her was provided as part of a consultation process with affected landowners and tenants about an aerial 1080 operation. This consultation was a requirement under relevant Government regulations and is not subject to the Advertising Standards Code

In light of these findings, the Chair ruled the Complaints Board has no jurisdiction to consider the complaint.

Chair's Ruling: Complaint **No Jurisdiction**

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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.