

COMPLAINT NUMBER	21/501
ADVERTISER	Hobson's Pledge Trust
ADVERTISEMENT	Hobson's Pledge Billboard
DATE OF MEETING	2 December 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Hobson's Pledge billboard shows a seagull flying across the sky. Text in the advertisement states "New Zealand not Aotearoa" and "Sign our petition at: hobsonspledge.nz".

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

Complaint:

I believe this advertisement from the placed for the group Hobson's Pledge by Jolly Billboards violates rule 1c. It is clearly a racist dogwhistle, designed to stoke anti-Māori sentiments. The underlying message here is obvious: they are suggesting that pākehā New Zealanders should be concerned about the increased use of Te Reo. They are attempting to generate fear of a 'threat' from greater inclusivity. This is a tactic often used to scapegoat marginalised communities, and widespread use of this rhetoric generally results in a rise of violence and aggression towards those marginalised communities.

A total of Twenty-one complaints were received about the Hobson's Pledge billboard advertisement. Issues raised in the complaints are summarised below:

- The advertisement is racist and “designed to stoke anti-Māori sentiments”
- The advertisement is “offensive and blatantly anti—Māori”
- “This group promotes racism and the silencing of Māori culture”
- “this billboard seeks to discredit the cultural heritage and knowledge of tangata whenua, specifically the erasure of the name Aotearoa”
- “Its in really poor taste”
- “It is in direct opposition to the countrywide Bilingual Towns and Cities Initiative and the information on their website is incorrect, misleading and very disrespectful”
- “this billboard is both extremely offensive and using intentionally provocative copy in order to attract attention to their highly political organisation”
- The advertisement “is insensitive and racially divisive. It advocates to renege the indigenous name of this country for political reasons and motivates a conversation that aims to erase Te Reo as a significant part of our nation.”
- “When racist people see this billboard it will confirm in their head that there ideology is not wrong, that they are correct and that other people feel the same way, the end result of this is increased racism towards Māori.”
- “It denigrates Te Reo, and therefore Māori culture. It promotes racism.”
- “It also speaks to the privilege inherent in the dominant Pākēhā group affording to pay for a prominent billboard where the same opportunity may not always be available for Māori or other cultures.”

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

The Chair noted advocacy advertising is often characterised by parties having differing views that are expressed in robust terms. This is especially so when there is proposed legislation or a referendum on an issue. Examples include abortion, fluoridation, immunisation and legalisation of marijuana. Government advertising on a range of health and safety initiatives are also likely to be advocacy advertising.

The Chair confirmed the advertisement is an advocacy advertisement.

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 protection of freedom of expression under the New Zealand Bill of Rights Act 1990 must also be considered.

Section 14 of the Act states: "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.

In acknowledgement of the protection of freedom of expression in legislation, 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 Complainants raised concerns that the advertisement is offensive to Māori and other New Zealanders, it promoted racism, and denigrates te Reo and Māori culture.

The Chair said the advocacy advertisement was from Hobson's Pledge, an organisation that opposes what it considers to be separatist policies from the New Zealand Government.

The Chair confirmed the Advertiser's identity was clear. The Advertiser's website is in large print in the advertisement and the organisation's name is part of the website address. The Advertiser's position on the issue was clear. The advertisement draws attention to the organisation's support to retain New Zealand as the official name of the country. The advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said "New Zealand, not Aotearoa" is an opinion statement and reflects the Advertiser's position on a matter of public debate. In September 2021, a petition organised by Te Pati Māori was launched to change the official name of New Zealand to Aotearoa. It also wants to restore original Te Reo Māori names for all towns, cities and places right across the motu by 2026.

The Chair noted a change to the official name of New Zealand is a matter of public interest which had generated commentary, media coverage and poll results through a 1News Colmar Brunton Poll. The Chair confirmed this context is a key part of the consideration on code compliance.

The Chair acknowledged Complainants were offended by the statement in the advertisement, and its support for a position they consider to be racist.

The Chair said the advertisement promoting a petition to retain New Zealand as the official country name, in opposition to a petition supporting a name change, expressed a viewpoint in the advocacy environment which does not meet the threshold to breach the Advertising Standards Code, taking into account the protection of freedom of expression under the New Zealand Bill of Rights Act 1990.

The Chair said when considered in the context of advocacy advertising, the advertisement is not in breach of Principle 1, Principle 2, or Rules 1(c) and 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.