

COMPLAINT NUMBER	21/545
ADVERTISER	Waka Kotahi/NZ Transport Agency
ADVERTISEMENT	Road to Zero, Television
DATE OF MEETING	13 December 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Waka Kotahi/NZ Transport Agency television advertisement shows two girls trying to speak to a man standing on the opposite side of a busy road. The man is dressed in a high vis vest and is holding a clipboard. The two girls ask him what he is doing and as he explains that they are reviewing the speed limits of some roads, his speech is muffled by the noise of passing traffic. The advertisement ends with text on screen stating, "Let's make our speed limits safer", "nzta.govt.nz/safe-limits", and the logos for Waka Kotahi and the New Zealand Government.

The Chair ruled there were no grounds for the complaints to proceed,

Complaint 1: The advert purports to show an NZTA official 'analysing' the passing traffic on a road to see whether they are speeding or not.

No indication was given of the actual speed limit on the road, the employee was apparently 'analysing' the traffic speed by eye and the only equipment he had was a clip board - no speed measuring device.

By showing quick sequences of traffic passing and the sound associated with those sequences it gave the impression that some or all of that traffic was breaking the speed limit.

I personally found the advert to be highly misleading with the intention to support a current political agenda that NZTA is following in reducing speed limits on roads across the country.

Complaint 2: The NZ Transport Agency ad that has been screened on various TV channels including on Sky Sport 51 during the Ashes yesterday is inherently imbalanced and biased in nature. The entire ad implies that the speed review process it is undertaking is slanted towards speed limits being too high and needing to be reduced, it gives no consideration to the ability to raise limits in some areas / roads. As a taxpayer who is ultimately funding this I find it a disgraceful piece of bias from a government agency

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 Complainants were concerned the advertisement gave the false impression that most of the traffic was breaking the speed limit in order to support an agenda for reducing speed limits on New Zealand roads.

The Chair confirmed the advertisement included Waka Kotahi/NZ Transport's name, logo and website address www.nzta.govt.nz/safe-limits, appears at the end of the advertisement, so the identity of the Advertiser is clear. The position of the advertiser is also clear; the advertisement ends with the tag line "Let's make our speed limits safer." The Chair confirmed the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be that the transport agency was reviewing the speed limits on some roads which have increased traffic volume due to factors such as new housing developments and schools.

The Chair said there was nothing in the advertisement to suggest that the traffic shown was breaking any speed limits, but rather it suggested that some speed limits may no longer be appropriate due to high traffic volumes.

The Chair noted the Complainants were concerned the advertisement was pushing a certain agenda, however she said the nature of advocacy advertising meant the Advertiser was entitled to present its reasons for the safety campaign it was promoting.

The Chair confirmed the advertisement was not misleading and is not in breach Principle 2 or Rules 2(b) 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.