

<b>COMPLAINT NUMBER</b>	16/299
<b>COMPLAINANT</b>	M. Yorston
<b>ADVERTISER</b>	Phil Goff - For a Better Auckland
<b>ADVERTISEMENT</b>	Phil Goff – For a Better Auckland, Billboard
<b>DATE OF MEETING</b>	12 August 2016
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The billboard advertisement for Auckland City mayoral candidate the Hon. Phil Goff included his picture next to black and blue writing which said “PHIL GOFF FOR MAYOR.” The advertisement continued: “Making Auckland a city where talent and enterprise can thrive. Let’s sort out housing. For abetterauckland.org.nz.” The advertisement also included an authorisation statement.

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

**Complainant, M. Yorston, said:** “I am complaining about the content of Phil Goff’s election billboard content, namely the use of blue to fill the billboards. To me this is passing off and trying to mislead voters who associate blue with national.”

**The relevant provisions were Basic Principle 4, Rules 2 and 11 of the Code of Ethics.**

**The Chair** acknowledged the Complainant’s view the use of the colour blue on an Auckland mayoral candidate’s billboard was misleading as it was associated with the National Party.

The Chair confirmed the advertisement, which was for Auckland mayoral candidate Phil Goff, was by definition an advocacy advertisement. She took into consideration Rule 11 of the Code of Ethics which said:

**Advocacy Advertising** - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore, such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

She also referred to the Advocacy Principles pursuant to Rule 11, which had been developed by the Complaints Board. These said:

1. That Section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in Section 14 is not absolute as there could be an infringement of other people’s rights. Care should be taken to ensure that this does not occur.

3. That the Codes fetter the right granted by Section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertiser and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Chair observed that in a free and democratic society, differences of political opinion should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations. The Chair noted the identity of the Advertiser was clear as “Phil Goff – For a Better Auckland” and the advertisement included the candidate’s website and an authorisation statement. Accordingly, the Chair said the advertisement met the identification provisions of Rule 11 of the Code of Ethics.

The Chair then turned to consider whether the use of the colour blue in the advertisement was misleading. She noted the candidate, the Hon. Phil Goff, was a current member of Parliament, but was running as an independent candidate for the Auckland mayoralty. The Chair took into account the candidate’s high profile as a senior Labour Politician and was of the view the use of the colour blue in the billboard was unlikely to mislead voters. She said the colour blue was strongly associated with Auckland City.

While noting the Complainant’s concerns, the Chair said the use of the colour blue in the advertisement before her was unlikely to mislead or deceive voters and the advertisement had been prepared with a due sense of social responsibility.

The Chair ruled the complaint was not in breach of Rule 2, Rule 11 or Basic Principle 4 of the Code of Ethics.

**Chair’s Ruling:** Complaint **No Grounds to Proceed**