

<b>COMPLAINT NUMBER</b>	19/166
<b>COMPLAINANT</b>	F Maera-Wallace & S Managh
<b>ADVERTISER</b>	Hope Project
<b>ADVERTISEMENT</b>	Hope Project Television
<b>DATE OF MEETING</b>	29 April 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for the Hope Project showed a woman saying “There is a life that’s upside down, where the humble are the strong ... the act of life that made this life was an act of sacrifice by a man of light who split the night and paid the highest price, so those in pain could rise again .... and that’s the point of Easter you may wish to take to heart.”

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

**Complainant, F Maera-Wallace, said:** There is a Christian organisation putting up frequent ads this week about the real meaning of Easter. We are not Christian and find it offensive to have this constantly in our faces.

**Complainant, S Managh, said:** Inappropriate religious content. If Christian content is allowed to be advertised then it should also be fine for Muslim, Wiccan, or Judaism content to be advertised.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(e)**

**The Chair** noted the Complainants’ concerns about the existence and frequency of television advertisements about the meaning of Easter.

The Chair confirmed the advertisement was advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They say:

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 rights 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 advertisers 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 referred to a precedent Decision, 19/056 about a billboard by Family First on the cannabis debate. The Decision said in part:

“The Complaints Board said the advertisement draws the public’s attention to some of the different types of cannabis products that might be available for sale in New Zealand, if recreational cannabis is made legal.

The Complaints Board agreed the advertisement did not contain anything indecent, exploitative or degrading, did not cause fear or distress and was socially responsible.”

The Chair said this precedent applied to the advertisement before her, as it was another example of an advertisement expressing a personal perspective.

The Chair observed that in a free and democratic society, differences of opinion about matters of personal belief and public interest should be possible without undue hindrance or interference from authorities such as the Complaints Board. Therefore, the Chair considered the complaint under the Advocacy Principles.

The Chair said in this case the Advertiser has freedom of expression for their religious beliefs, as long as the advertisement is not in breach of the Advertising Standards Code.

The Chair said the statement in the advertisement was clearly the Advertiser’s position and it was not likely to mislead consumers. The Chair said the advertisement did not reach the threshold to cause serious or widespread offence and was socially responsible.

The Chair noted that the Advertising Standards Authority does not have jurisdiction over the frequency with which the advertisement is played on television.

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 days of receipt of this decision.