

COMPLAINT NUMBER	19/225
COMPLAINANT	J Darlington
ADVERTISER	Auckland Transport
ADVERTISEMENT	Auckland Transport Flyer
DATE OF MEETING	1 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Auckland Transport flyer has the heading: “Speed is the single biggest road safety issue in New Zealand today.” The text also says “Familiarity of open-road speeds mean we do not consider what happens if something goes wrong. There is a massive impact on family and friends when loved ones are killed or seriously injured in any community. For more information go to [AT.govt.nz/slowdown](https://www.at.govt.nz/slowdown).”

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

Complainant, J Darlington, said: Auckland transport claim Speed is the single biggest road safety issue in New Zealand today. This is false the number one cause of accidents is failing to give way. These propaganda flyers should be fact checked by an independent party before are allowed to be printed. These flyers are part of a plan which evolves slowing down cars cause more traffic congestion, with their ultimate goal of the removal of private cars from roads. We can then ride on public transport conveniently provided by AT, just look at what they have to the traffic in the Auckland CBD.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b), Rule 2(e)

The Chair noted the Complainant’s concern it is misleading for Auckland Transport to say speed is the biggest single road safety issue in New Zealand today.

The Chair said the advertisement before her, which was presenting a point of view on a matter of significant public interest, fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code.

This Rule required the identity and position 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 state:

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 observed that in a free and democratic society, differences of opinion about matters of public interest 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. Therefore, the Chair considered the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

The Chair said the Advertiser's name, logo and website shown in the advertisement were sufficient to meet the identity requirements of an advocacy advertisement.

The Chair referred to the Auckland Transport website which says: "Our crash stats show 80% of all deaths and serious injuries occur on 50km/h local suburban roads. Nearly half involve people walking and people on bikes or motorcycles. The faster a car is going when a pedestrian is hit, the more serious their injuries which has a huge impact on their family and friends."

The Chair said that the Advertiser's opinion that speed is the single biggest road safety issue in New Zealand today had been clearly expressed and is backed up with evidence which is referred to on the Auckland Transport website.

The Chair said the advocacy advertisement had been prepared with a due sense of social responsibility and was not in breach of Principle 2, Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

The Chair said the advertisement did not meet the threshold to mislead consumers and was not in breach of the Advertising Standards Code.

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