

COMPLAINT NUMBER	19/237
COMPLAINANT	R Mitchell
ADVERTISER	NZL National Party
ADVERTISEMENT	National Party, Digital Marketing
DATE OF MEETING	8 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand National Party Facebook post said “Labour’s hitting Kiwis with higher costs at the pump and failing to deliver the roads New Zealanders desperately need. You can’t trust Labour on transport. But the Government is cancelling roads across New Zealand. You can’t trust Labour on transport.”

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

Complainant, R Mitchell, said: This ad states roads are being cancelled across New Zealand yet doesn’t provide any proof of cancellations. It also implies fuel tax is a new tax and only applies to roads when the Land Transport Fund that gets the tax revenue is more than roads. It also says no new roads yet I believe the Manawatu gorge replacement has been announced that is a new road.

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

The Chair noted the Complainant’s concern the advertisement is making misleading statements about road cancellations and fuel tax levies.

The Chair confirmed the advertisement for the National Party was an advocacy advertisement provided for under Rule 2(e) of the Advertising Standards Code. Robust expression of opinion is allowed, as long as the advertiser is clearly identified and the Advertiser’s position is clear.

The Chair ruled the Advertiser had met the identity requirements of an advocacy advertisement. The advertisement appears on the Facebook page of the National Party Leader, Simon Bridges, and includes the National Party logo. Therefore, the Chair said the context, placement and content made the identity of the Advertiser and their position clear.

Having established the advertisement was from the National Party, the Chair noted that political advertisements were not only acceptable but encouraged, as they were an essential and desirable part of the functioning of a democratic society.

The Chair also observed that in a free and democratic society, differences of political opinion should be openly debated without undue hindrance or interference from authorities 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 said the advertisement made a general statement about the cancellation of roads. She said this was the Advertiser's view of the current Coalition Government's policy on roading.

The Chair said the advocacy advertisement was not misleading and did not breach Principle 2 or Rule 2(b) 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.