

COMPLAINT NUMBER	19/261
COMPLAINANT	J Cooper
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Digital Marketing
DATE OF MEETING	22 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand National Party twitter advertisement, <https://twitter.com/NZNationalparty>, says “Labour’s Car Tax will slap thousands of dollars in tax on some of New Zealand’s most popular cars. But the Minister reckons it’s just a ‘small fee’. Will Kiwi’s agree it’s just a ‘small fee’ Minister? The advertisement includes a picture of the Associate Minister for Transport, Julie Anne Genter.

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

Complainant, J Cooper, said: I would like to complain about the advertising of the New Zealand National Party with respect to the Coalition Government’s electric vehicle policy. I believe the NZ National Party are an advertiser given they are seeking to influence. I also believe they are seeking to deceive those they influence by implying that low income earners will be required to pay fees under the policy which only applies to newly imported cars. The advertising repeats the words ‘small fee’ without providing any broader context, a reasonable viewer would believe that it applies to all car sales rather than just new and second hand imports. This advertisement is clearly spreading misinformation about the proposed policy. I also believe the NZ National Party are deceiving viewers by claiming it is a Labour Party tax when the announcement is being fronted by a Green Party minister who in turn is representing the Coalition Government’s policy. This policy has been developed and negotiated since the election and has not formed any part of a Labour Party manifesto and therefore the branding of this policy as a Labour Party policy is inaccurate and misleading. Finally I believe that the advertising breaches standards of decency because the depiction of Minister Julie Anne Genter appears to have been altered to make her appear less attractive and therefore less credible as a minister. The alterations appear to be adding an ear to stock photography and alterations to her face. These alterations are demeaning to women because they target the Minister’s attractiveness and seemed aimed at portraying incompetence. Alterations of this nature might be acceptable in a cartoon or where they are disclosed in the advertising, otherwise I believe the ASA should uphold rule 1(c) in this case.

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

The Chair noted the Complainant’s concern the advertisement is using the words ‘small fees’ in a misleading way and is falsely attributing the car tax policy to the Labour Party. The Chair noted the Complainant was also concerned the photo of Minister Julie Anne Genter had been altered which was demeaning.

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 National Party Twitter account 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 New Zealand 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.

Turning to the Complainant's specific concerns, the Chair said the use of the term "small fee" in the advertisement could be interpreted in different ways, either the 'small fee' which the policy proposes charging for non-compliant cars, or 'small fee' as a proportion of the overall price of the product. The Chair said that as part of an advocacy advertisement, the Advertiser was entitled to put forward its opinion of the policy being considered.

The Chair said using the heading "Labour's Car Tax" did not meet the threshold to be considered misleading, given that the Labour Party is the majority coalition partner of the current government. She said a policy would only go ahead with the backing of Labour, making it acceptable to highlight their involvement with the proposal.

The Chair said there was no evidence the photo of Julie Anne Genter had been altered and said it was not a breach of the Advertising Standards Code for the Advertiser to select an unflattering photo for the purposes of its advertisement. The Chair said the image used did not meet the threshold to demean or denigrate the politician.

The Chair ruled the advocacy advertisement did not breach Principle 1, Principle 2 or Rules 1(c), 2(b) and 2(e) 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.