

COMPLAINT NUMBER	19/249
COMPLAINANT	T Wrenn & 6 others
ADVERTISER	Royal Forest and Bird Protection Society of New Zealand Inc
ADVERTISEMENT	Royal Forest and Bird Protections Society of New Zealand Inc Television
DATE OF MEETING	30 July 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Forest and Bird television advertisement shows a family visiting a river surrounded by bush. There are also images of cattle grazing in paddocks with no grass. Some of them are in mud up to their shoulders. The voiceover says: “What happened to rivers you could swim in? When did the Government put profits before clean water? Tell the Government you want rivers you can swim in, fish in, and water you can drink, without getting sick...Text your name to get the Government to clean up our rivers...” The logo for Forest and Bird – Te Reo o Te Taiao / Giving Nature a Voice appeared at the end of the advertisement.

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

Complainant, T Wrenn, said: I’m complaining about the current Forest and Bird television advert which is broadcasted at various viewing times across the tv3 channel. The advert is seeking text support for helping clean up NZ waterways. I do not take offense to the message but I take offense of how the message is being delivered.

The advert uses images of dairy cows up to their belly in mud and create the assumption that this is the only way NZ waterways lose their quality.

I believe the advert breaches the Advertising Standards Code 2018 - Rule 1C - Decency and offensiveness; I feel forest and bird have chosen images to attract attention which is degrading to the NZ dairy industry

Rule 1G - Fear and Distress; using a shocking image to attract attention.

Rule 2B - Trueful presentation; the images used are definitely not a true representation of the NZ dairy industry and how it causes water quality issues.

Rule 2H - environmental claims..

This advert just uses emotive images to generate attention to its cause. Where are the images of the Auckland Sewage system overflowing into the harbour? Or the images of the broken Taupo sewage pipe overflowing into the head waters of NZ largest river. If forest and bird truly want to help improve water quality they need the rural and urban communities to work together not just create a greater divide for there own benefit.

Complainant, L Allan said: Disgusted at how they used cows in mud as the sole reason our waterways are being polluted. There are several factors damaging our waterways yet they only showed which is damaging and unfair to the majority of farmers who make a massive effort to prevent this happening. Emotive bullshit using a kid to voice the ad too. Highly annoyed!

Complainant, L Bryan said: Implies farming is the reason for non clean rivers

Complainant, T Lawton said: This advertisement is very one-sided and derogatory of our farming community. This advertisement is not factual and not relevant in today's climate. I find this ad very offensive

Complainant, J Sherriff said: This advertisement was grossly unfair and misleading. As over 97% of waterways running through our dairy farms are fenced, it is inaccurate to show pictures of cows standing in water and imply that dairy is the sole problem with water cleanliness. It is a biased view and should never have been aired.

Complainant, H Macdonald said: The forest and Bird Ad on tv 3 Totally biased and emotive driven Unfair on our dairy Farming community Government Funded

Complainant, J Barrow said: Forest and Bird are imploring the public to contact the government via text at (20 cents per text) to clean up our rivers. "What happened to rivers you could swim in. When did govt put profit before clean water. This advertisement features a paddock of dairy cows in heavy mud. The paddock is close to a nearby stream. The stream is fenced off in accordance with the clean streams accord and with Regional plans and dairy industry best practice. All NZ dairy companies are signatories to the Clean Streams accord. This advertisement clearly attempts to portray dairy farmers as the villains with regard to clean water. I strongly object to the content of this advertisement.

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

The Chair noted the Complainants' concerns the advertisement portrays farmers in a bad light and creates a misleading impression that cows up to their bellies in mud is the sole or main cause of poor water quality in New Zealand rivers.

The Chair referred to a precedent decision, 18/193, which was also ruled No Grounds to Proceed. In that decision the Chair confirmed an advertisement by Greenpeace was intended to raise awareness about Greenpeace's view on the contamination of rivers. She said both the identity and the position of the Advertiser were clear, in compliance with Rule 11 of the Code of Ethics, the relevant advertising code in place at that time, and therefore the advertisement should be reviewed in the context of advocacy advertising. As such, and in the interests of freedom of expression under section 14 of the Bill of Rights Act 1990, a more liberal interpretation of the Code was appropriate.

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

This Rule requires 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 said the Advertiser's name and logo shown in the advertisement were sufficient to meet the identity requirements of an advocacy advertisement. The Advertiser's position and message about the issue was also clear.

While she sympathised with the position farmers are currently in and noted the Complainants' points of view, the Chair said the advertisement's primary message was about protecting New Zealand rivers from the pollution associated with dairy intensification.

Taking into account generally prevailing community standards and the advocacy message, the Chair said the advertisement was not misleading or making environmental claims that could not be substantiated. The Chair said the advertisement was not in breach of Principle 2, Rule 2(b) or Rule (h) of the Advertising Standards Code.

The Chair ruled the complaints had no grounds 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.