

COMPLAINT NUMBER	19/282
COMPLAINANT	C Brown
ADVERTISER	S Brooks
ADVERTISEMENT	S Brooks, Print
DATE OF MEETING	14 August 2019
OUTCOME	Settled – Media Error

Advertisement: The advertisement published in the Weekend Herald newspaper shows a cartoon image of a face labelled 'John Key' followed by four line-drawn faces which morph into a sixth image of a cartoon face with the label 'Christopher Luxon.' The advertisement has a blue background with the text "#LUXON 2020, #NATIONAL 2020." The small print at the bottom of the advertisement says "Authorised by S Brooks of 299 Durham St, Christchurch."

The Chair ruled the complaint was Settled – Media Error.

Complainant, C Brown, said: I think that this advertisement is misleading and non-factual.

Rule 2 (b) Truthful presentation clearly states that advertisements but not mislead or be likely to mislead, deceive or confuse consumers. A person looking at this advert would be led to believe that Christopher Luxon is standing as a candidate for the National Party - he isn't.

Rule 2 (e) Advocacy advertising must clearly state the identity of the advertiser - there is an address but we as the reader of the advertisement have no idea who the advertiser actually is.

The Media, NZME confirmed the version of the advertisement that appeared in print had not been approved by NZME for publication and it did not therefore intend to print it. Its publication was due to human error, and internal processes have been revamped in light of this incident.

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

Principle 2: Truthful Presentation

Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful presentation

Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

Rule 2 (e) Advocacy advertising

Advocacy advertising must clearly state the identity and position of the advertiser.

Opinion in support of the advertiser's position must be clearly distinguishable from factual

information. Factual information must be able to be substantiated.

The Chair noted the Complainant's concerns the advertisement is misleading and the identity of the Advertiser is unclear.

The Chair noted the Media, NZME, had confirmed the advertisement had been published in error.

Given the Media's co-operative engagement with the process and the self-regulatory action taken in reviewing processes to ensure such an error does not happen again, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was settled.

Chair's Ruling: Complaint Settled - Media Error

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.