

COMPLAINT NUMBER	20/192
ADVERTISER	Living Church of God
ADVERTISEMENT	Tomorrow's World, Television
DATE OF MEETING	18 May 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Tomorrow's World advertising programme is produced by the Living Church of God. The infomercial talks about the origins of Satan the Devil. The advertisement promotes of the DVD "The Occult and the Spirit World" throughout and is advertised as free if you call their 0800 number which is also accompanied by their web address.

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

Complaint: i do not believe that at 9am on a weekday morning when children have been watching cartoons and there are no other cartoons on other channels that it is okay to have a show about the origin of Satan the devil for 30minutes especially when i believe this is prime child show watching time during the lock down time
my understanding was that tvnz was playing cartoons till 10am not playing any religious stuff especially about the devil how is this okay
i have complained to tvnz and they say its an infomercial so i'm now complaining to you

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

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not 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 Complaint's concerns the advertisement played at an inappropriate time given the content.

The Chair referred to the ASA Guidance Note on Advocacy Advertising, which includes the following definition of Advocacy Advertising: "Advocacy advertising is often characterised by parties having differing views that are expressed in robust terms. This is especially so when there is proposed legislation or a referendum on an issue. Examples include abortion,

fluoridation, immunisation and legalisation of marijuana. Government advertising on a range of health and safety initiatives are also likely to be advocacy advertising

The Chair noted the requirements of Rule 2(e) of the Advertising Standards 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 right 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 advertiser 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 identity of the Advertiser was repeated numerous times throughout the advertisement and included the tomorrowworld.org website address and an address and telephone number for the DVD offer. The Chair said the Advertiser's message was also clear. The advertisement therefore met the criteria for an advocacy advertisement.

The Chair said the content in the advertisement represented the views of the Living Church of God organisation and was permitted under the rule for advocacy advertising. The Chair acknowledged the Complainant's sincere concerns about the advertisement and the views expressed by the Advertiser, however such expression of opinion was allowable under the Code.

The advertisement had been given a G (General) rating by the Commercial Approvals Bureau meaning it may be broadcast at any time. The Chair noted the advertisement was approximately 30 minutes long and had aired on TVNZ 2 at 9:00am. The Chair noted the TVNZ scheduling for May 8 was Preschool commercial free from 8:15 am to 9:00am. From 9:00am-10:00am the channel played its normal schedule of religious-themed infomercials. The Chair considered the nature of the infomercial was apparent from the outset.

The Chair noted TVNZ had set up a separate children's channel in response to the COVID-19 Lockdown which was scheduled to run from 15 April to 10 June 2020.

The Chair ruled the advertisement had not breached Principles 1 and 2 or Rules 1(c) or 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 calendar days of receipt of this decision.