

<b>COMPLAINT NUMBER</b>	20/222
<b>ADVERTISER</b>	50 Shades of Green
<b>ADVERTISEMENT</b>	50 Shades of Green, Out of Home
<b>DATE OF MEETING</b>	15 June 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The digital billboard advertisement for the advocacy group 50 Shades of Green said, "We're barking up the wrong tree. Farmers deliver food, jobs and strong communities. Save farms for food, you can't eat wood". The billboard shows the 50 Shades of Green web address and the tag line "the right tree, the right place".

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

**Complaint:** I have seen repeated advertisements from what appears to be the same group in this location over the last 3-5 months. The general message is 'you can't eat trees, save our land for farming', which is a legitimate view, however the use of colours, wording and URL names is highly misleading as it's designed to indicate the farming is 'green' and forestry is a 'bad' activity.

The inference is that farming is a path to a greener and more sustainable future and that forestry is threatening our future. This is misleading and inappropriate lobbying because:  
- farming is one of New Zealand's primary sources of greenhouse gases (both in aggregate and on an intensity basis) - forestry is a net sync of greenhouse gases, and one of the measures many countries use to manage emissions.

- landuse is often quite different so the idea of a direct conflict is largely inaccurate. Farming is typically based on flat and high-quality land, while forestry typically uses marginal and more hilly land due to the lower per hectare cost. In a former role, I helped to prepare New Zealand Greenhouse Gase reporting and I'm happy to direct anyone who needs this information to an appropriate source.

These campaigns appear to be deliberately created to sway public opinion but blatantly present misleading information. They should be removed or changed to more accurately represent the situation.

I'm also happy to get a photo of the billboard if needed. I normally drive through the area .

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

**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 concern the advertisement presented misleading information in an attempt to sway public opinion.

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 is 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 clear from the URL which appeared on the billboard. The Chair said the Advertiser's position was also clear given the message "Save Farms for Food, you Can't Eat Wood." The advertisement therefore met the criteria for an advocacy advertisement.

The Chair said the content in the advertisement represented the views of the advocacy group 50 Shades of Green, who are concerned about the future of New Zealand's hill country farms and it was permitted under the rule for advocacy advertising. The Chair said the advertisement was clearly 50 Shades of Green's perspective on the need to balance the management of climate change and the preservation of farms.

The Chair acknowledged the Complainant's genuine concerns about the advertisement and the Advertiser's views however this expression of opinion was permitted under the Advertising Standards Code.

The Chair noted the Complaints Board had considered several complaints about the forestry, farming and climate change debate including Decisions 19/294, 19/310 and 19/381 which were not upheld when considered within the context of advocacy advertising. Copies of decisions since 2015 can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

The Chair said the advocacy advertisement did not meet the threshold to breach Principle 2 or Rule 2(b) and complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.