

COMPLAINT NUMBER	20/420
ADVERTISER	The Advance New Zealand Party
ADVERTISEMENT	Advance NZ Party, Unaddressed Mail
DATE OF MEETING	28 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Advance New Zealand Party unaddressed flyer cover says: "Vote Advance NZ to reclaim NZ back for all the people". Inside the flyer there are photos of the co-leaders and their families and a section entitled: "What Advance NZ will do for you and our proud nation". Under the heading "Rebuild NZ back into a democracy" it says: "Stop the attack on Kiwi freedoms by removing laws that force mandatory testing, mandatory vaccinations, and forced entry into homes without a warrant."

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

Complaint: The claim that a vote for the party will help remove laws on mandatory testing/vaccinations/forced entry is pure fear mongering BS propaganda designed to prey on the fears of many esp when at this election time no such laws exist

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

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair acknowledged the Complainant's concern the statement in the advertisement about "removing laws that force mandatory testing, mandatory vaccinations, and forced entry into homes without a warrant" is "fear mongering" which will prey on vulnerable people during the election period.

The Chair confirmed the Advertiser's identity and position on the issue was clear. The Advance New Zealand Party is a political party and the advertisement included a website address, contact detail and a promoter's statement. The advertisement reflects the Advertiser's position on the Covid-19 Public Health Response Act 2020.

The Chair referred to a precedent Decision which was not upheld, with a similar claim on mandatory testing, Decision 20/377. That Decision said in part:

The Complaints Board considered the statement "to protect our tamariki from forced medical tests", to assess whether it was a statement of fact, supported by adequate substantiation, or opinion.

The Complaints Board agreed this statement is opinion and reflects the Advertiser's position on section 11(1)(viii) of the COVID-19 Public Health Response Act 2020. It did not require substantiation.

The Board noted this section of the Act provides for Orders that can be made under the Act including "requiring persons to do any of the following: (viii) report for and undergo a medical examination or testing of any kind, and at any place or time, specified and in any specified way or specified circumstances".

The Chair said Decision 20/377 applied to the complaint before her. The statement complained of sets out the Party's position on the Covid-19 Public Health Response Act 2020. The Chair confirmed it is important that political parties can freely communicate their policies so that voters can decide how they want to vote.

The Chair said the advertisement was not in breach of Principle 2, Rule 2(b) or Rule 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. **NOTE:** Under the fast track process one month prior to the Election, appeals must be made in writing via email or letter within three (3) calendar days of receipt of this decision.