

<b>COMPLAINT NUMBER</b>	20/490
<b>ADVERTISER</b>	NZ Labour Party
<b>ADVERTISEMENT</b>	NZ Labour Party, Television
<b>DATE OF MEETING</b>	2 October 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The 15 second television advertisement features the Leader of the Labour Party, Rt Hon Jacinda Ardern speaking about “a strong plan” and says: “our’s creates jobs, backs business and grows trade.” The advertisement ends with the tagline “Let’s keep moving” and a call to action, “Party Vote Labour”. It includes a promoter’s statement.

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

**Complaint:** The Audience was clearly handpicked Labour Supporters. Labour advertising in the middle of the leaders debate is unethical and political propaganda by The Labour party featuring Jacinda Ardern is manipulation and indoctrination. This was supposed to be a balanced scheduled program for both leaders. It appears the media have been influenced by Labour Party favouritism

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, 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.

**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.

### **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 concerns about the placement of an advertisement from the NZ Labour Party during a televised Leader's debate.

The Chair said the Complainant's issue about the composition of the audience for the debate was outside the ASA's jurisdiction. The Broadcasting Standards Authority has jurisdiction over television programme content.

The Chair reviewed the television advertisement. The Chair confirmed the Advertiser's identity is clear. The NZ Labour Party is a political party and the advertisement is asking voters to give their party vote to Labour in the upcoming election.

The Chair said the placement of the Labour Party advertisement during the Leaders' debate with Jacinda Ardern and Judith Collins was not misleading, or in breach of the requirement for a due sense of social responsibility.

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 placement of the advertisement was not in breach of Principles 1 or 2 or 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). **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.