

COMPLAINT NUMBER	20/511
ADVERTISER	Vision New Zealand
ADVERTISEMENT	Vision New Zealand, Facebook
DATE OF MEETING	14 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Vision New Zealand sponsored Facebook Advertisement has an image of the mid-section of a pregnant woman and she is holding a knife behind her back. Next to her is the text “Breaking News – Kill Bill Repeal Policy – 250,000 Party Vote Call-Ups to Repeal Extreme Abortion Law”. Below this text is the Vision New Zealand logo. Above the image is a press release from Party Leader Hannah Tamaki. The text of this release says in part:

“Most New Zealanders are still naively unaware of how radical and dangerous this abortion law is, including:

- Late-term abortions are now possible up until 9 months
- No medical assistance will be given to any baby who survives the horrors of an attempted abortion
- Sex-selective abortions are now possible enabling an unwanted gender preference to be aborted
- Over the phone abortion pills can be prescribed by a single doctor, enabling DIY home abortions”

. The advertisement includes a link to the press release and a promoter’s statement.

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

Complaint: Political campaign ad for Vision NZ is deliberately advertising misinformation/misleading statements about Abortion Legalisation Act 2020 in order to mislead and/or manipulate potential voters. My complaint is that the campaign ad is deliberately misleading, as the party's main points are a direct contradiction of what is actually written in the legislation. They are deliberately publishing misinformation to manipulate voters.

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 genuine concern the advertisement is misleading.

The Chair confirmed the Advertiser’s identity was clear. The advertisement states it is a sponsored advertisement paid for by Vision New Zealand and the promoter’s statement and logo are included in the advertisement.

The Chair said the advertisement fits the definition of advocacy advertising and draws attention to the party’s opinion and policy on abortion. It is also a call to action to party vote for Vision New Zealand, so it can repeal the abortion law. The Chair said the detail in the press release included in the advertisement provides sufficient context for voters to see the statements as Hannah Tamaki’s opinions about the legislation and why it should be repealed.

The Chair said in the context of advocacy advertising during the election campaign, the advertisement was not in breach of Principle 2, or Rules 2(b) and 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.