

COMPLAINT NUMBER	20/534
ADVERTISER	Tamati Coffey MP, NZ Labour Party
ADVERTISEMENT	Tamati Coffey MP, Facebook
DATE OF MEETING	15 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The post on the Te Arawa FM Facebook page was headed “Paid Advertisement”. It included a photo of Tamati Coffey MP and text which said in part: “Kia ora whānau, Tamati Coffey here. Splitting your vote is not worth the risk. #TwoTicksLabour will grow the voice of the Labour Māori Caucus at the Government decision-making table, where it counts.” The advertisement included a link to Labour’s Māori-targeted policies and a promoter’s statement.

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

Complaint: On the 11th Oct 2020 at around 11pm, Radio Te Arawa posted the attached advert for Labour Candidate for Waiariki, Tamati Coffey.

After an outcry in the comments section, the post was deleted.

At around 6am on the 12th Oct, the same exact advert was posted again. And again, readers questioned the advert and whether it met electoral commission advert rules. The red Labour image attached to the post, contains a tiny authoriser statement, so technically that may cover it, however even zooming in, I cannot read the authorisers name, or address other than Wellington. After many comments, the radio station added the words "Paid Advertisement" to the start of thepost. A screenshot of that is attached.

The radio station staff argued with commenters that the advert was not a breach of the electoral advertising rules and advised that they would seek advice. They claim that the Electoral Commission told them the advert meets their standards. I have lodged a complaint to the Electoral Commission and am awaiting the outcome.

It is my belief that these adverts, with or without the statement 'Paid Advertisement" and regardless of the authoriser statement being barely visible, breach the Advertising Standards Codes.

I refer to ASA website definition:

Advertising and Advertisement(s) means any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

This is a radio station, who have posted an advert. A paid advert for a political candidate.

I believe that it breaches Principal Two: Truthful Presentation.

Advertisements must be truthful, balanced and not misleading.

Rule 2 (a) Identification

Advertisements must be identified as such.

Guidelines

Content controlled, directly or indirectly, by the advertiser must not be disguised as something other than an advertisement. It must be obvious to, and well understood by, the audience that they are engaging with an advertisement regardless

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

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(a) Identification: Advertisements must be identified as such.

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 that the paid advertisement on the Te Arawa FM Facebook page was not clearly identified as advertising.

Procedural matter

The Chair noted the Complainant had also contacted the Electoral Commission about compliance with the Electoral Act.

The Chair confirmed that her assessment of the advertisement is confined to matters raised under the Advertising Standards Code.

Chair's Ruling

The Chair confirmed the Advertiser's identity is clear. The Facebook post provided to the ASA includes a statement that begins with an introduction from Tamati Coffey MP. The Labour Party logo and an authorisation statement are included under the image of Mr Coffey.

The advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair confirmed it was clear the content was a paid advertisement as the Facebook post provided to the ASA includes the words "Paid Advertisement".

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, Rules 2(a) and 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.