

COMPLAINT NUMBER	21/117
ADVERTISER	For the Protection of Zion Trust
ADVERTISEMENT	For the Protection of Zion Trust Print
DATE OF MEETING	15 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The half-page newspaper advertisement sponsored by the "For the Protection of Zion Trust" was headed "DO NOT BE FOOLED BY THE INTERNATIONAL CRIMINAL COURT'S PROBE INTO ALLEGED WAR CRIMES BY ISRAEL IN THE DISPUTED TERRITORIES." The advertisement was labelled "Advertisement". Contact details for For the Protection of Zion Trust such as postal address and website were included. There was also information about the author of the advertisement, Pastor Nigel Woodley.

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

Complaint: Kia ora ASA

In the first Paragraph, it is asserted (not an opinion) that:

The International Criminal Court (ICC) wants to illegally extend its judicial gavel into areas beyond its jurisdiction and probe into Israeli activities in the disputed territories "ILLEGALLY"

This is patently untrue and underpins the rest of the Advertisement The UN body, the ICC has decided after significant deliberation that it Does Have Jurisdiction. There are at least 3 other areas of Misrepresentation within this advertisement but I have focused on this one in particular. This advertisement is an affront to the small and vulnerable Palestinian Community here in New Zealand. Nga mihi

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.

The Chair noted the Complainant's concern the advertisement was misleading.

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 confirmed the Advertiser’s identity and position on the issue were clear. The advertisement draws attention to the Advertiser’s opinions about the political situation in Israel and the jurisdiction of the International Criminal Court (ICC).

The Chair referred to a precedent decision, 19/186, which was also a complaint about a newspaper advertisement for For the Protection of Zion Trust, and which was ruled No Grounds to Proceed.

The Chair said in her view, the advertisement was an advocacy advertisement, and while the opinions in it may be robust, such expression of opinion was allowable under the Code. The Chair acknowledged there are differing views about the topic as discussed in the advertisement complained about, but this case was similar to that of the precedent decision. Robust expression of opinion is allowed, because the Advertiser is clearly identified, and their position is clear.

The Chair said the advertisement was not in breach of Principle 2 or Rules 2 (b) or 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.