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| COMPLAINT NUMBER | 21/118 |
| ADVERTISER | Greenpeace NZ |
| ADVERTISEMENT | Greenpeace NZ Television |
| DATE OF MEETING | 3 May 2021 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The television advertisement for Greenpeace had the following voiceover: “The Indonesian rain forest... is being cleared for palm plantations, destroying orangutans’ forest home... Palm kernel expeller – PKE - is shipped all the way to New Zealand to be used as cow feed. We import more than any other country in the world. Giant dairy farms use this imported feed to raise more cows than the land can support, polluting our water and climate...”

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

There were six complaints about this advertisement:

Complaint 1:

Advertisement provides FALSE allegations. Advertisement is asking for donations in support of these FALSE allegations.

Complaint 2:

Hi I'm not sure you are aware Greenpeace are running an add, saying NZ farmers are causing damage. I've just read this on FB... Just a heads up I have just sent a complaint to the broadcasting standards about the latest Greenpeace add that NZ farmers are the reason that palm trees are the reason that the trees get cut down. This add appeared on Sky discovery. I wrote it was false, misleading and inaccurate, If I am the only one who sends in an objection it will not get removed but if more send in a complaint they will then remove it. there web is www.bsa.govt.nz. Just pick one of the first options and send them your views, it's time to stand as one or get persecuted by BS. Other comments went onto say it on channel 3, which I checked out is it true. This needs to be removed, as farmers are not the cause as we only use the waste product if it's available. The palm trees are not cut down for farmers, so this is not true.

Complaint 3:

Blaming dairy farming for the clearing of forest in Indonesia for the p.k.e. When the p.k.e is a byproduct of the plan oil industry

Complaint 4:

I would like the ASA to address the misleading claims made in the Greenpeace add advocating against the dairy industry use of Palm Kernel. The add is misleading - as it insinuates that PKE production is what drives deforestation of rainforests - while in reality the palm oil production is the intention of these conversions. The add does not mention palm oil at all- or it's uses in many consumer products - which is misleading. Secondly a number of images were shown of dirty waterways while the voice over leads consumers to believe that this is caused by Palm kernel use by dairy farmers. This claim is false and misleading as there is no direct connection between what feed animals eat and waterway pollution. Thirdly the add declares that the use of PKE drives unsustainable stocking intensity - again

this is misleading and no particular animal feed can have this claim attributed to it - there is no difference between using one feed additive and another with regards to stocking intensity.

Complaint 5:

The Greenpeace ad about accusing farmers being the cause of the Forest's disappearing for the production of Palm kernel. Palm kernel is a by-product of palm oil which is used in most super market products Stop portraying us farmers as the bad guys

Complaint 6:

Greenpeace currently have an add on television channels throughout New Zealand with deliberate false, misleading information regarding the use of palm kernel by NZ dairy farmers stating that the palm trees are being cut down for NZ farmers. Totally wrong and inaccurate, these trees are primarily cut down so there oil can be processed into oil mainly for human consumption in some 120 plus products, around 72 percent of the palm tree is used in this way- 72 percent!! Under 10 percent is used as a palm kernel which is only available as humans don't have a need for it as yet as it is mostly the trunk of the tree with the residual oil that they could not harvest. Going back to my original first 2 lines this add is misleading and false and this sort of advertising has no place on NZ air time

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

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.

Rule 2(h) Environmental Claims: Environmental claims must be accurate and able to be substantiated by evidence that reflects scientific and technological developments.

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 noted the Complainants' concerns the advertisement was misleading and unfairly blamed dairy farming for the clearing of rainforests in Indonesia.

The Chair confirmed the Advertiser's identity was clear and the requirements of Rule 2(e) were met. Greenpeace is a well-known organisation, and its logo was displayed clearly. The Advertiser's position on the issue was clear. The advertisement draws attention to Greenpeace's concerns about Indonesian rainforest being cleared, in order to plant palm plantations, to grow products for export.

The Chair said in the context of advocacy advertising the statement in the advertisement is an opinion statement does not require substantiation. The statement reflects the Advertiser's position on the importation of palm kernel expeller (PKE).

The Chair noted that PKE is a by-product of the palm oil industry and Greenpeace opposes the importation of this by-product, because it acts to support the palm kernel industry.

The Chair noted one complainant was concerned the advertisement claimed a direct connection between what feed animals eat and waterway pollution and PKE drives unsustainable stocking intensity. The advertiser referred to a scenario "Giant dairy farms use this imported feed to raise more cows than the land can support, polluting our water and climate..." The Chair said the likely consumer takeout was that Greenpeace was giving their opinion about a link between the importation of PKE and pollution, in support of its position opposing PKE importation.

The Chair said the viewpoint represented in the advocacy advertisement does not meet the threshold to breach Principle 2, Rule 2(b), Rule 2(e) or Rule 2(h) 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.