

COMPLAINT NUMBER	21/326
ADVERTISER	New Zealand National Party
ADVERTISEMENT	New Zealand National Party, Facebook
DATE OF MEETING	21 June 2021
OUTCOME	No Grounds to Proceed

Advertisement: The New Zealand National Party Facebook advertisement is headed "Farming under Labour's Car Tax." The advertisement shows a very small, two door red convertible with a large haybale sitting on top. The advertisement's fine prints says, "Funded by the Parliamentary Service. Authorised by Judith Collins, leader of the Opposition, Parliament Buildings, Wellington".

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

Complaint 1: National insinuating farmers will be using city cars is misleading.

Under the proposed clean car legislation there is a cutoff for penalties of 192g/km co2, there are already available utes such as the Nissan Navare that are below this value and won't attract additional fees.

Complaint 2: This concerns two specific advertisements by the New Zealand National Party in response to the Clean Car Package recently announced by the incumbent Labour Government. Two Facebook posts (which they appear to be doubling down on) make some rather unrealistic claims regarding this new policy....

The second includes a graphic of a generic- small car reminiscent of a current-model Smart ForTwo, coloured red. The roof is removed and the car is seen to be carrying a round hay bale. There is a caption over top which reads "Farming under Labour's Car Tax"

I believe to most casual readers this will come off to say that farmers will pass over suitable petrol or diesel models in favour of an unsuitable vehicle for the sake of receiving the rebate on their purchase - even if it means that they will lose functionality in doing so. I personally think this is insulting to Kiwi farmers, as it implies that they lack basic critical thinking skills and will do whatever they can to get a payout from the government.

It also ignores upcoming electric utility vehicles and freight vehicles which will be unaffected by the levy imposed under this policy, and portrays electric vehicles as small and impractical, and serves to hinder efforts to reduce New Zealand's transport emissions as a whole.

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 these complaints

The Chair acknowledged the Complainants' concerns the National Party advertisement is misleading and misrepresents the Government's proposed car tax.

The Chair confirmed the Advertiser's identity as a political party and position was clear. The advertisement therefore met the criteria for advocacy advertising.

The Chair turned to the content of the Facebook advertisement and noted it presented the National Party's view of the Labour Party's proposed car tax aimed at encouraging the uptake of electric vehicles and the effect this may have on farm vehicles.

The Chair confirmed it is important that political parties can freely communicate their policies and that opposition parties can critique the Government. The Chair said this advertisement was the National Party criticising the Labour Party's clean car package by using a hyperbolic example of a ridiculous consequence of the tax for political effect.

The Chair said the placement of the advertisement on the National Party's Facebook page meant that viewers were likely to have a political interest in what the opposition party has to say about the Government's policies and an appreciation of the political stance a party's own Facebook page was likely to present.

The Chair said the political advocacy advertisement was not in breach of Principle 2, Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

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

Chair's Ruling: Complaints **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.