

COMPLAINT NUMBER	21/318
ADVERTISER	Voices for Freedom
ADVERTISEMENT	Voices for Freedom Unaddressed Mail
DATE OF MEETING	20 July 2021
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a Voices for Freedom leaflet questioning the use of face masks as protection against COVID-19. The Board said the advertisement was not misleading because, in the context of an advocacy advertisement, the statements made in the advertisement had been adequately substantiated.

Advertisement

The Voices for Freedom leaflet included the following text:

“WHAT’S ALL THE FUSS ABOUT MASKS? Face coverings are now “mandatory” on public transport and domestic flights in Levels 1 and above, but is this the right solution?

DID YOU KNOW?

- Typical mask wearing does not reduce SARS-CoV-2 infection rates (COVID-19)
- SARS-CoV-2 viral particles are tiny and can easily pass through mask fibres
- Up to 98% of viral particles may pass through cloth masks!
- Masks have been shown to cause hypoxia (deprivation of adequate oxygen)
- More than 1.5 BILLION face masks will pollute the oceans this year!
- A mask exemption is available to anyone with a physical or mental health illness, condition or disability that makes wearing a face covering unsuitable.

Do you qualify for a MASK EXEMPTION?

LEARN THE TRUTH ABOUT FACE MASKS”

The leaflet had the Voices for Freedom logo, website and email contact details. The leaflet also had a disclaimer “The information on this leaflet is educational only and does not constitute medical or legal advice”

Summary of the Complaint

The Complainant was concerned this advertisement was making false claims about the effectiveness of face masks and the environmental impact they will have.

Issues Raised:

- Social responsibility
- Fear and distress
- Health and well-being
- Truthful presentation
- Advocacy advertising

Summary of the Advertiser's Response

The Advertiser defended the advertisement and said each of the six statements made in the leaflet were substantiated on their website at www.voicesforfreedom.co.nz/mask-facts.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

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 Complaints Board said the advertisement before it fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They say:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.

4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

Role of the ASA when considering an advocacy advertisement.

The Complaints Board noted its role is to consider the likely consumer takeout of an advertisement and complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

The Board considers whether the advertisement includes statements of fact or opinion and then decides whether any factual claims have been adequately substantiated by the Advertiser. The Complaints Board noted that a fact is something that is objectively true and can be verified as such whereas an opinion is a personal belief. Others may agree or disagree with an opinion, but they cannot prove or disprove it. Some statements contain both fact and opinion.

The Complaints Board observed that in a free and democratic society, issues should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations.

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.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 21/215 which was Upheld in part.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 21/215 concerned a leaflet warning about the risks of the COVID-19 vaccine. The leaflet was published and distributed by Voices for Freedom. The Complaints Board agreed the advertisement had been adequately identified as an advocacy advertisement. The Board agreed the likely consumer takeout of the advertisement was the Advertiser is concerned there are risks associated with the COVID-19 vaccine that consumers are not aware of. The leaflet included eight facts about the vaccine and links to more “Hard Vaccine Facts” and encouraged consumers to “learn the truth”. The Board confirmed that a wide audience may be reached by the leaflet given the breadth of distribution and that the COVID-19 Vaccine roll-out was relevant to all New Zealanders over 16 years of age. The Board said six of the eight facts in the leaflet had not been adequately substantiated and therefore the leaflet was misleading.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: NZ Government advice promoting face masks during the COVID-19 global pandemic
 - Medium: Unaddressed mail to letterboxes
 - Audience: Adult New Zealanders
 - Product: An advocacy message about the face masks

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was: in the Advertiser's view, masks aren't as good as we've been told. This is because they're ineffective and cause pollution. Consumers can also seek exemptions from wearing them.

Was the identity and position of the Advertiser clear?

Identity

The Complaints Board agreed the advertisement had been adequately identified as an advocacy advertisement and the Advertiser's identity was clear. The advertisement included the Voices for Freedom logo, website address www.voicesforfreedom.co.nz/info and an email address.

Position

The Advertiser's position on the issue was also clear. The Advertiser, Voices for Freedom, had concerns the consumer had incomplete information about the COVID-19 pandemic and encouraged consumers to seek more information. The Complaints Board agreed the advertisement met the identity requirements of Rule 2(e) of the Advertising Standards Code and a more liberal interpretation of the Code applied.

Were any of the statements in the leaflet misleading?

The Complaints Board agreed that none of the six statements made in the advertisement were misleading, because they had been adequately substantiated in the context of advocacy advertising.

The Complaints Board considered each of the six statements in turn. The Board noted that where factual claims are made, the Board's role is to decide whether they have been adequately substantiated, in the context of advocacy advertising. While a more liberal interpretation of the requirement for truthful presentation is provided for in advocacy advertising, statements presented as facts need to be adequately supported.

DID YOU KNOW?

1. Typical mask wearing does not reduce SARS-CoV-2 infection rates (COVID-19)

The Complaints Board agreed this statement was presented as a fact, and it had been adequately substantiated. The Board noted the Annals of Internal Medicine article provided by the Advertiser titled "Effectiveness of Adding a Mask Recommendation to Other Public

Health Measures to Prevent SARS-CoV-2 Infection in Danish Mask Wearers” provided sufficient substantiation in the context of an advocacy advertisement.

2. SARS-CoV-2 viral particles are tiny and can easily pass through mask fibres

The Complaints Board agreed this statement was presented as a fact, and it had been adequately substantiated. The Board noted the PubMed and Online articles provided by the Advertiser provided some level of substantiation.

3. Up to 98% of viral particles may pass through cloth masks!

The Complaints Board agreed this statement was presented as a fact, and it had been adequately substantiated. The Board noted the PubMed and Oxford Academic articles provided by the Advertiser.

4. Masks have been shown to cause hypoxia (deprivation of adequate oxygen)

The Complaints Board agreed this statement was presented as a low level factual claim, and it had been adequately substantiated. The Board noted the PubMed and United States Department of Labour articles provided by the Advertiser provided sufficient support for the level of claim made.

5. More than 1.5 BILLION face masks will pollute the oceans this year!

The Complaints Board agreed this statement was presented as a fact, and it had been adequately substantiated. The Board noted the New York Post article provided by the Advertiser titled “More than 1.5 billion face masks will pollute oceans this year, report says”. The Board said although the article does not refer specifically to the science behind this statement, the average consumer would accept the underlying suggestion that the production of such a huge number of masks is likely to result in significant environmental pollution.

6. A mask exemption is available to anyone with a physical or mental health illness, condition or disability that makes wearing a face covering unsuitable.

The Complaints Board agreed this statement was presented as a fact, and it had been adequately substantiated. The Board noted the link to the New Zealand Government United Against COVID website.

Did the advertisement cause fear or distress without justification?

The Complaints Board said the advertisement did not reach the threshold to cause fear or distress without justification. The Board noted that under the Bill of Rights Act 1990 the Advertiser has the right to express an opinion providing they have met the conditions for an advocacy advertisement. In this case the Advertiser believes the expression of their opinion is justified, despite the level of fear or distress this may cause.

Was the advertisement prepared and placed with a due sense of social responsibility to consumers and society?

A majority of the Complaints Board said the advertisement had been prepared and placed with a due sense of social responsibility to consumers and society. This is because, in the context of an advocacy advertisement, all of the claims made had been substantiated.

A minority disagreed. The minority said although the claims had been substantiated, the risk that the advertisement might discourage consumers from wearing masks, in the context of the COVID-19 global pandemic, was not socially responsible.

Summary

In accordance with the majority, the Complaints Board ruled the advertisement was not misleading and was not in breach of Principle 1, Rule 1(g), Principle 2 and Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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.

APPENDICES

1. Complaint
 2. Response from Advertiser
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Appendix 1

COMPLAINT

Public disinformation campaign about covid 19 measures, especially mask usage. Promoting ways to avoid mandatory masks on public transport/flights False claims about effectiveness of face masks False claims about ill-effects from masks Scaremongering environmental presumption that all face masks will be deposited in the ocean.

Appendix 2

RESPONSE FROM ADVERTISER, VOICES FOR FREEDOM

www.voicesforfreedom.co.nz/mask-facts

Complaint 21/318

1. We understand the Advertising Standards Association ("**the ASA**") has received certain complaints annexed here concerning our "What's All The Fuss About Masks?" Flyer ("**the Masks Flyer**").
2. The complaints have been accepted for consideration by the Advertising Standards Complaints Board ("**the Board**") and that the Board will make a decision on the complaint with reference to your Advertising Standards Code ("**the Code**").
3. We have been directed that the following sections of the Code are relevant to this complaint: Principle 1, Principle 2 – namely Rule 1(g), Rule 2(b) and Rule 2(e).
4. Finally, we understand that the Board does not have enforcement powers to sanction any advertiser/advertising but rather maintains relationships with various media and advertising outlets/distributors. It can approach them to ask for their cooperation in enforcing its rulings.
5. On the other hand, where advertising is carried out through other means, such as is the case with this flyer, the Board cannot enforce its own rulings, notwithstanding the various relationships maintained.

OVERVIEW

6. **The Masks Flyer is an educational publication.** Its publication and distribution provide a service to the public, assisting them as it does as part of their informed consent decision-making process by providing information they "probably haven't heard".
7. Over 250,000 Masks Flyers have been printed and distributed throughout New Zealand at the time of writing. In this context, the number of complaints

received to date (despite media reporting on the ability to complain, which effectively amounted to a nationwide call for further complaints) is very low.

8. Each of the six facts set out on the Masks Flyer is backed up by information available to the public and which representative information is available through statements or via links on our website at www.VoicesForFreedom.co.nz and more specifically at www.voicesforfreedom.co.nz/mask-facts.
9. The Masks Flyer does not constitute a breach of the Code for above reasons and for reasons further elaborated upon below.

SUMMARY OF OUR RESPONSE

10. For ease of reference, we set out here a summary of our responses as grouped, according to the various parts of the Code that you have advised are relevant.

- a. **The Masks Flyer does not cause fear or distress without justification. [Principle 1: Rule 1(g)].** The Masks Flyer is designed to engage readers to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings on public transport and domestic flights are “the right solution”. Any feelings as referenced are justified given the importance of ensuring that people are fully informed and educated to make a fully informed decision about an irreversible medical procedure.
- b. **The Masks Flyer does not mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge. [Principle 2: Rule 2(b)]** It is not an objective of the Masks Flyer to provide a "balanced reporting overview of the pros and cons of the Covid-19 vaccine". As clearly stated on the Flyer, it's about asking them to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings on public transport and domestic flights are “the right solution”. There is also information provided about the exemptions allowed for under NZ law which are purposefully drafted very broadly whilst rarely being spoken about.

The Masks Flyer does not have space to print every single URL to references for claims made, and nor would this be a satisfactory solution in any case. Instead, the Flyer features a large QR code that takes the reader to the claims' source. There is also a link provided www.voicesforfreedom.co.nz/mask-facts which likewise takes the reader to the reference materials.

- c. **For the convenience of the Board, we have set out below references to the facts set out in the Masks Flyer.** This is not an exhaustive list but a reference to those currently linked.

- d. **We stand by the validity of the references we have provided.** In addition we draw your attention to the blog post¹ www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong one of many blog posts written independently of Voices for Freedom responding to claims to have "debunked" our Covid Fact Flyers.
- e. **Our identity and position has been clearly stated on the Masks Flyer along with our contact details. [Principle 2: Rule 2(e)].** The flyer contains a series of factual statements, and all facts are substantiated as set out in this letter.

PRINCIPLE 1: RULE 1(g)

- 11. Principle 1: Rule 1(g) states that:

Advertisements must not cause fear or distress without justification.
- 12. The Masks Flyer does not cause fear or distress without justification for the reasons set out in this section and elsewhere in this letter.
- 13. The Masks Flyer is designed to engage readers to think more deeply about masks. It provides education to the public about known and possible risks associated with mask wearing and a list of facts for consideration more deeply about mask wearing with a list of facts for consideration and asking them to consider whether "mandatory" coverings on public transport and domestic flights are "the right solution.
- 14. We recognise that the information may be challenging for some people. However, were the emotions referenced in the Rule attributed to the Masks Flyer, the importance of ensuring that people are fully informed and educated to make a fully informed decision about an important medical procedure would justify these emotions.

PRINCIPLE 2: RULE 2 (b)

- 1. Principle 2: Rule 2(b) states that:

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.
- 2. The Masks Flyer does **not** mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge.
- 3. It states clearly that "we believe in backing up our claims" and contains a simple method to access the information backing up the claims.
- 4. There is not the space to print every single URL to references for claims made and nor would this be a satisfactory solution in any case as the links to the

¹ <https://www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong>

information in many cases are long and complex. The only practical way to provide access to them is online.

5. To this end, we made every effort to make it as easy as possible to view those references by including a large QR code on the Masks Flyer, which takes the reader to the source of the claims made. There is also a link provided www.voicesforfreedom.co.nz/mask-facts which likewise takes the reader to the reference materials.
6. This is all very reasonable and follows the usual practice in terms of making references easily accessible. Readers can click on the QR code or manually type in the Voices For Freedom URL details to ascertain the sources provided.
7. Thus, it is clear there is no intention to mislead, deceive or confuse the public, abuse their trust or exploit their lack of knowledge.

Mask Exemptions

8. The Mask Flyer also provides information about the exemptions allowed for under NZ law which are purposefully [drafted very broadly](#) (and yet for some reason promoted barely at all).
9. This website has a summary of the exemptions: <https://covid19.govt.nz/health-and-wellbeing/protect-yourself-and-others/wear-a-face-covering/#who-does-not-need-to-wear-a-face-covering>
10. The reality is, the way the exemptions are drafted, **there is not a single person in New Zealand who could not qualify to be exempt from wearing a mask (face covering)**. So we would be well within our rights to point this out to the NZ public. However, we in fact took a more conservative approach, inviting the reader to ascertain for themselves “*Do you qualify for a mask exemption?*”
11. Following this route they are then invited to learn more and, if they then consider, based on information shared with them, that they qualify for a mask exemption they have a link to download an official one (from a publicly available download).
12. They are also advised that (as per government laws):
 - a. They are not required to disclose the reason for their being exempt.
 - b. They are not required to carry an official exemption notice.
 - c. They are not required to carry any exemption notice.

ADDITIONAL REFERENCES

13. In addition we can refer you to the following:
 - i. <https://childrenshealthdefense.org/the-science-of-masks/> a blog post with a reputable organisation which links to hundreds of articles and studies backing up statements made in our flyer.
 - ii. <https://www.bitchute.com/video/VRtIRNv9uaB9/> A short video that explains many of the points in our flyer.

- iii. A recent [Official Information Act enquiry](#) response confirmed that: *“Maintaining the requirement for face coverings on public transport in Alert Level 1 provides wider benefits that support the overall response to the pandemic. For example, **face coverings are a constant reminder of the ongoing threat posed by COVID-19 and will help prompt people to be more vigilant about other important behaviours**, such as physical distancing, scanning and using the New Zealand COVID Tracer App, hand hygiene and coughing and sneezing etiquette.”* <https://dpmc.govt.nz/sites/default/files/2021-04/cab-20-min-0477-mandatory-masking.pdf>

CONCLUSION

14. The information we provide is never in the news, media or government promotions. The public is not exposed to a balanced conversation, pros and cons, the big picture of risks, potential risks, or any other vaccine limitations.
15. There is no full and transparent information from the authorities or media to ensure a genuine informed consent process. We consider it an indictment on the system that a grassroots movement such as Voices for Freedom has had to take up that charge independently.
16. It is clear from the complaint that receiving this information has been new and challenging for some recipients. We note that complainants say that they believe the information is “disinformation”, “false information” and “false claims”. Yet, every statement in the flyers is backed up. In many cases, directly from government sources, including the NZ government.
17. At Voices for Freedom, we welcome rigorous debate and respectful, bold conversations. Only when information about all of the potential risks is widely available can we have an open discussion about the Covid response including the mask mandates. Many people are rushing to comply without access to all the information.
18. NZ law requires that individuals are provided with the information they need to make a fully informed choice.² Without full robust dialogue, that cannot happen.

²<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>