

COMPLAINT NUMBER	21/418
ADVERTISER	Department of Internal Affairs
ADVERTISEMENT	Three Waters Television
DATE OF MEETING	9 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for the Government's Three Waters campaign was presented in a cartoon style with the following voiceover: "Imagine Aotearoa without good water. That'd be rude as, eh? That's why we're working with councils to make sure it doesn't happen for real. So now, instead of them having to shoulder this burden, we're grouping them together, to keep everybody on the path to better all round water. So our trout will be happy, undies can still be togs, and best of all, us Kiwis can keep drinking straight from the tap, so how about that? Better water is better for everyone."

The animation included images of all the things mentioned in the voiceover, and included green liquid coming from a "coughing" pipe, with a thermometer in its mouth.

The text at the end of the advertisement said "Better water is for everyone - He Puna Wai, He Puna Ora." Also shown were the Three Waters and New Zealand Government logos.

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

There were seven complaints about this advertisement.

Complaint 1: I wish to complain about the "Three Waters" ad being promoted by the Government. This ad is very misleading, and i consider it to be little more than propaganda. The ad states that they are working with councils, which is a blatant lie. The fact is that Three Waters has not been fully set up, or instituted yet. Stage one which is fresh water has been set up, but the bill does not get signed off for them to begin until later in the year. If this is not active, how can they be working with councils to improve water? The answer is, they can't, and the councils i have asked have confirmed this. Please remove this ad before more false information gets thrust on to an unsuspecting public.

The time, and date above have been put in to fill in the spot only. However, we have all seen this ad multiple times, and it is constantly on, so you will know all about it.

Complaint 2: This so-called infomercial is scaremongering and full of misinformation. I find it highly offensive. The Government are going to use the water assets they have basically stolen from the ratepayer, to raise a \$160 Billion loan, doubling our national debt.

Complaint 3: The advertisement for "3 Waters" advocacy for this proposed change is completely misleading about the counterfactual of what would happen without "3 waters". The cartooned depiction of slime coming out of taps etc is simply not true. It should be withdrawn immediately.

Complaint 4: The Government is advertising erroneous and misleading information to justify its proposed reform programme. The advertisements are puerile, It states it will lift a burden from councils and implies the environment will be better with swimable rivers and better drinking water. It refers to a trout. I am a District Councillor and find these advertisements misleading and essentially untrue. Water standards will be set and monitored by a Regulator. I request the advertising cease immediately.

Complaint 5: The New Zealand Government Advertisement for the Three Waters and having 4 new regions. The ad implies that we are unable to drink water from the tap anywhere in New Zealand at the moment which is misleading, I guess this is done on purpose for the Governments political gain. I don't know of anywhere in New Zealand that you can't drink tap water at the moment, I do know after floods etc there a boiled water notices put out but that is not stated in this ad. The broadcast time was 13:04 hours on TV 1, 25 Jul 2021

Complaint 6: The is an untrue and unsafe statement made in this advertisement that is giving viewers the impression it is safe to carry out an action that could potentially have severe detrimental impacts on their health. The clip shows an animated character in their dressing gown turning a tap on while their mouth is under it and drinking a large volume of the water directly with out running the tap prior. The dialogue while this action is carried out is (or similar to) "and we Kiwi's will be able to continue drinking straight from the tap" There have been recent public health events in New Zealand (eg Waikouaiti and surrounds 2021 - a whole community of families being blood tested) that been due harmful lead levels present in tap water, the cause of this lead 2 contamination ultimately has been traced to fittings (ie pipes and tap ware) that are installed in every household in the country and the fact the New Zealand Government has not regulated lead content in the plumbing fittings available. When the water sits in the households pipes and taps the lead contamination seeps into the water - lead poisoning is extremely detrimental to the health of young children and also adults. It produces a range of effects from impacting child cognitive development, memory loss in adults through to being potentially fatal in high doses. For the New Zealand government to be producing advertisements to the public promoting that it is currently safe to drink water straight from the tap, depicting this being done with out flushing the pipes and tapware first at the same time their complete lack of regulation for lead levels in these fittings has lead to lead level crisis's in communities in New Zealand is grossly harmful advertising.

Complaint 7: The process of transferring Council infrastructure to the governments 3 Waters programme is a work in progress, and a democratic process. Councils have a choice to make on this and there are pros and cons. The ad suggests that the only way to healthy water and healthy drinking water is this amalgamation process. It seems the ad is intended to ensure that the public puts pressure on Councils to take this step, but there is no balancing information provided. The ad seems to me to be an irresponsible, misleading and inappropriate use of tax payer funds. Further, it is my understanding that the Prime Minister apologised to attendees at LGNZ's recent conference in Blenheim for the misleading nature of these ads, yet they continue to play.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(e), Rule 2(b), Rule 2(e);

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

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

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.

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 Complainants' concerns the advertisement was scaremongering and misleading and omitted information about the potential impact on rates and council ownership of assets.

The Chair confirmed the Advertiser's identity was clear and the advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code. The advertisement included the logos for Three Waters and New Zealand Government.

The Chair said the intention of the Three Waters and New Zealand Government advocacy advertisement was to promote the Government's initiative to reform the provision of water services¹ throughout New Zealand.

The Chair referred to precedent decision, 21/363, regarding a similar advertisement for the Three Waters campaign, which was also ruled No Grounds to Proceed. The Chair said this precedent was relevant to the present complaint. The following is an extract from that decision:

¹ The reforms relate to "three waters": drinking water, wastewater and storm water.

“The Chair said the intention of the Three Waters and New Zealand Government advocacy advertisement was to promote the Government’s initiative to reform the provision of water services² throughout New Zealand.

The Chair said the voiceover for the advertisement was not describing the state of water in New Zealand as it is currently, instead it was asking viewers to “*Imagine* Aotearoa without good water”. The Chair said this suggestion encourages viewers to think about what could happen to the water supply in New Zealand, if it is not well managed.

The Chair noted that the standard of drinking water and water services in New Zealand varies from place to place.”

Turning to the complaint currently being considered the Chair said the main difference between the two advertisements was the reference in this advertisement to “working with councils”, in order to ensure “good water”.

The Chair said it appears that the proposed reforms would see management for the country’s 67 councils’ storm, drinking and wastewater (the “three waters”) moved into the hands of four regional entities, while ownership would remain in councils’ hands. The Chair said planning for this proposed transition is what is meant by “working with councils”. The Chair noted that there is a great diversity of opinion about the proposed reforms, especially amongst the country’s different councils.

The Chair said in the context of advocacy advertising the advertisement was not misleading or offensive and did not cause fear or distress without justification.

The Chair said the advertisement was not in breach of Principle 1, Principle 2, Rules 1(g), 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.

² The reforms relate to “three waters”: drinking water, wastewater and storm water.