

COMPLAINT NUMBER	21/420
ADVERTISER	Voices for Freedom
ADVERTISEMENTS	Voices for Freedom, Out-of-Home, digital billboards
DATE OF MEETING	9 August 2021
OUTCOME	No Grounds to Proceed

Advertisements: Five digital billboards from Voices for Freedom, a lobby group, made statements related to free speech and the submission process on the proposal to change the law on hate speech. Each advertisement includes the Voices for Freedom logo and its website and made the following statements:

Advertisement 1: “Jacinda: We will...be your single source of truth. Kiwis: Yeah, Nah”.

Advertisement 2: “Free speech is like air. You will notice when its gone.”

Advertisement 3: “Your voice is the first thing they take. Your freedom goes next”.

Advertisement 4: “Free speech is the cornerstone to every right we have” – “Mark Thomas”

Advertisement 5: “Without free speech you’re not free. Hate speech proposal submissions close this Friday 6 August.”

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

Complaint: “I am writing to complain about the Voices for Freedom billboards outside RNZ building. Voices for Freedom are known antivaxxers who are using free speech ads to recruit and radicalise vulnerable people. I'm an ex public health nurse and I'm extremely concerned that Vff are actively convincing people not to vaccinate during a worldwide pandemic. If the Delta strain gets here, which it will, they are essentially killing people. It's manslaughter. I implore you to please have these signs removed. Their social media page was removed for false and misleading information so why should they be able to put up billboards when they've already been identified as dangerous on other platforms?”

The relevant provisions were Advertising Standards Code - Principle 1 and Principle 2, Rule 1(g), Rule 2(e).

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.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

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

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 including robust expression of opinion.

About this complaint

The Chair acknowledged the Complainant's concern that advertising about free speech from Voices for Freedom was being used to recruit people to support their position against the COVID-19 vaccination programme.

The Chair confirmed the ASA Codes of Practice, and the complaints process, applies to the content and placement of advertisements, and does not adjudicate on the beliefs or behaviour of advertisers per se.

The Chair said the Advertiser's identity and position was clear and the advertisements complied with the identity requirements of Rule 2(e) of the Advertising Standards Code. She noted the context for the billboard advertisements, relating to the current consultation process on the Government's proposal to change the law on hate speech.

The Chair also observed that in a free and democratic society, differences of opinion should be openly debated without undue hindrance or interference from authorities, 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.

The Chair confirmed the advertisements included position statements against imposing restrictions on free speech and against the Government's position on COVID-19 messaging.

The Chair said the statements did not reach the threshold to be likely to mislead or deceive consumers and interested parties would be likely to investigate matters concerning free speech and hate speech for themselves. The Chair also noted there is regular media coverage on these matters of public debate which gave context to this advertising.

Rule 1(g) of the Advertising Standards Code required the Chair to consider whether fear had been used in the advertisements without justification. The Chair said the position statements from Voices for Freedom in the billboard advertisements on matters that are currently being debated did not breach Rule 1(g) because the focus of the advertising was on the right to free speech.

The Chair said in the context of advocacy advertising, the advertisements did not meet the threshold to breach Principle 1, Principle 2, or Rules 1(g) and 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.