

COMPLAINT NUMBER	21/362
ADVERTISER	Advance New Zealand Party
ADVERTISEMENT	Advance New Zealand Party, Email
DATE OF MEETING	10 August 2021
OUTCOME	Upheld Advertisement not to be used again in its current form

Summary of the Complaints Board Decision

The Complaints Board Upheld a complaint about an email advertisement distributed by the Advance New Zealand Party. The Complaints Board said the Advertiser made claims in advertisement that COVID-19 and the Pfizer and Moderna vaccines were biological weapons and made statements about negative effects created by the vaccines. The Complaints Board said the statements made in the advertisement had not been adequately substantiated, and the advertisement was likely to mislead or confuse consumers.

Advertisement

The email advertisement has the subject line “The Pfizer Vaccine is a BIOWEAPON”. The email states there is urgent news to share the video testimonial of Dr Richard M Fleming PhD, MD, JD. He states the Pfizer and Moderna vaccines and the COVID-19 are bioweapons which will damage your brain. He states the genetic sequences of the vaccines match the prion like domain region that produces Mad Cow disease. He talks about the result of animal testing. The advertisement ends by stating “This is Bioterrorism people and we believe many of the people in our government are complicit.” The advertisement has a call to action with links to subscribe to ‘The Real News’ and donate to ‘Support The Real News.’ The email is signed from The Advance NZ Team and includes the party logo.

Summary of the Complaint

The Complainant was concerned a New Zealand political party is emailing out conspiracy theories and medical misinformation, and that should not be permitted.

Issues Raised:

- Social responsibility
- Truthful presentation
- Advocacy advertising

Summary of the Advertiser’s Response

The Advertiser provided a video of The Stew Peters show where he interviews an ex-Pfizer employee, Karen Kingston, to discuss her belief and evidence trail that the Pfizer and Moderna contain graphene oxide, which she says is a poison. The Advertiser states that the truth is unfolding.

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.

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 three precedent decisions, Decision 21/215 which was Upheld in Part and Decisions 20/440 and 20/358 which were both Upheld.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.New Zealand/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.

Decision 20/440 concerned a print advertisement from the Advance New Zealand Party and the New Zealand Public Party. The complaint was held to be in breach of the Advertising Standards Code. This is because the reference to seasonal flu in the advertisement had not been substantiated and its use to support statements about Government overreach in the response to the COVID-19 pandemic was not socially responsible.

Decision 20/358 concerned a flyer advertisement from the New Conservative Party. The complaints were held to be in breach of the Advertising Standards Code. This was because the Advertiser had made unsubstantiated factual claims about a range of topics including the Cannabis referendum, drug driving and abortion.

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: A message from Advance New Zealand Party who are opposed to the Government's measures to combat the virus.
 - Medium: Email Marketing
 - Audience: Distributed via a database email list
 - Product: An advocacy message about the COVID-19 virus and vaccines

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was the Advance New Zealand Party has urgent and important news which the Government is not disclosing that the COVID-19 virus and the Pfizer and Moderna vaccines are bioweapons. The Advertiser's message is being delivered by a medical doctor, Dr Richard M Fleming, who is quoting the results of studies on mice and monkeys to support the bioweapon claim.

Has the advocacy advertisement been adequately identified?

The Complaints Board agreed the advertisement had been adequately identified as an advocacy advertisement.

The Complaints Board confirmed the Advertiser's identity was clear. The advertisement included the Advance New Zealand Party logo and the email was signed by the Advance NZ Team. The advertisement also includes a link to an Advance New Zealand donation website page. The Advertiser's position on the issue of COVID-19 and vaccinations is clear. The Advertiser, Advance New Zealand Party, had concerns about the risks associated with taking the COVID-19 vaccines. The advertisement presented factual claims in the form of a video link from Dr Richard M Fleming and also summarises his statements in the body of the email.

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.

The Complaints Board considered each of the statements in turn. Where factual claims were made, the Board decided whether they had been adequately substantiated in the context of advocacy advertising. While a more liberal interpretation of the requirement for truthful presentation was provided for in advocacy advertising, statements presented as facts needed to be adequately supported.

1. The spike protein virus is a bioweapon and any vaccine emulating the spike protein by definition becomes a bioweapon

The Complaints Board noted the World Health Organisation's definition of a Bioweapon to be: *"microorganisms like virus, bacteria, fungi, or other toxins that are produced and released deliberately to cause disease and death in humans, animals or plants."*

The Complaints Board agreed the advertisement presents this statement as a fact. The Complaints Board said the substantiation provided by the Advertiser in the form of another video did not support the bioweapon claim. The Complaints Board said the substantiation

provided made no mention of the spike protein make up of COVID-19 or the corresponding vaccines that are available.

The Complaints Board said the statement was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

2. The Pfizer and Moderna Vaccines (and the virus) are likely to damage your brain within 18 months of being exposed.

The Complaints Board agreed the advertisement presents this statement as a fact. The Complaints Board said the Advertiser had not provided any substantiation to support this claim. The Board said the Advertiser had provided a video with the opinion of Karen Kingston as substantiation, who claimed the Pfizer and Moderna vaccines contained graphene oxide. The Complaints Board said this was not substantiation for the claim made in the advertisement.

The Complaints Board said this statement was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

3. The genetic sequences in the vaccines do not match Sars-Cov-2 virus sequences, but match the prion like domain region that produces Mad Cow Disease.

The Complaints Board agreed the advertisement presents this statement as a fact. The Complaints Board said the Advertiser had not provided any substantiation to support this statement.

The Complaints Board said this statement was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

4. In animal studies of mRNA vaccines, 95% of the humanised mice died within two weeks...their brains were all spongy with Mad Cow Disease.

The Complaints Board agreed the advertisement presents this statement as a fact. The Complaints Board said the Advertiser had not provided any substantiation to support this claim.

The Complaints Board said this statement was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

5. Rhesus Macaque monkeys sacrificed at five to six weeks had inflammation of the brain and lewy bodies seen with Alzheimer's.

The Complaints Board agreed the advertisement presents this statement as a fact. The Complaints Board said the Advertiser had not provided any substantiation to support this claim.

The Complaints Board said the statement was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

6. This is Bioterrorism people and we believe many of the people in our government are complicit.

The Complaints Board considered this statement in two parts. The Board agreed the first part of this statement "This is Bioterrorism people" was a factual claim.

The Complaints Board noted the USA National Library of Medicine's definition of Bioterrorism to be:

"Bioterrorism is a planned and deliberate use of pathogenic strains of microorganisms such as bacteria, viruses, or their toxins to spread life-threatening diseases on a mass scale in order to devastate the population of an area."

The Complaints Board said the Advertiser had not provided any substantiation to support this claim.

The Complaints Board said the claim was misleading and in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

The Complaints Board said the second part of the statement "we believe many of the people in our government are complicit" was presented as an opinion and was not in breach the Advertising Standards Code.

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

The Complaints Board said the advertisement had not been prepared and placed with a due sense of social responsibility to consumers and society. The advertisement made high level claims including that the COVID -19 virus and the vaccines are bioweapons and what is occurring is bioterrorism. The Board said the distribution of an email containing claims which had not been adequately substantiated was not socially responsible and the advertisement was in breach of Principle 1 of the Advertising Standards Code.

The Complaints Board ruled the advertisement was Upheld, taking into account context, medium, audience and product and was in breach of Principle 1, Principle 2 and Rules 2(b) and 2(e) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Upheld**

Advertisement to be removed and not used again in its current form.

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

I'm not sure if these emails fall under your jurisdiction, but a New Zealand political party is emailing out conspiracy theories and medical misinformation, and I feel like that is not permitted. Could you please follow up or refer it on to the correct authorities?

Appendix 2

RESPONSE FROM ADVERTISER,

Please watch <https://rumble.com/vkqdq7-deadly-shots-former-pfizer-employee-confirms-poison-in-covid-vaccine.html>

The truth is unfolding.