

<b>COMPLAINT NUMBER</b>	21/485
<b>ADVERTISER</b>	Waipareira Trust
<b>ADVERTISEMENT</b>	Te Whānau o Waipareira, Facebook, Billboards
<b>DATE OF MEETING</b>	27 September 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisements:** The Te Whānau o Waipareira Facebook post contains an embedded 12-second silent video. The image is a black background with a green square border. White text fades onto screen stating "Fight for your whakapapa" followed by "Get vaccinated". The Te Whānau o Waipareira name and logo is then shown. The text on the Facebook post explains the goal is to get 65,000 Māori vaccinated in the next eight weeks.

Two static billboards for Te Whānau o Waipareira are positioned on Lincoln Road in Henderson, Auckland. Both billboards are formatted as white text bordered by a graduated green square against a black background. One billboard states, "Trust Arena Vaccination Centre is a 3 minute drive away. Vaccinated in 30 minutes. No booking required." The other billboard states, "Fight for your whakapapa, get vaccinated". The name and logo for Te Whānau o Waipareira is visible under the text on both billboards.

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

**Complaint:** Te Whānau o Waipareira have launched a new campaign to encourage Māori to vaccinate with the tagline of, "Fight for your Whakapapa. Get vaccinated." Aside from the attached and linked location of advertising, this message is being promoted on Billboards around the motu.

This tagline implies that Māori who don't vaccinate are not fighting for their whakapapa, a concept that is integral to the cultural identity of tāngata whenua. The negative ramifications that this could have on some Māori is harmful and dangerous. Aside from freedom of choice - non vaccination reasons among Māori could include a deep intergenerational distrust of the government due to colonization, mental illnesses such as anxiety and the cultural right to prioritize and practice traditional Māori medicine and healing. There are also Māori who are hesitant to vaccinate but as of yet, uncommitted either way.

These are all very complex issues with far reaching effects that are now being undermined by the tagline, "Fight for your whakapapa. Get vaccinated." This tagline also has the potential to cause distress, discrimination and intolerance by creating an "us and them" divide. It ignores the reality of what being Māori is like for some tāngata whenua and trivializes their struggles. It mishandles the tapu nature of whakapapa and utilizes it as an advertising gimmick. It also runs the very real risk of turning Māori away completely, from seeking the very thing the advertisement is campaigning for.

I believe that this advertisement breaches the following rules in the ASC:

1. Rule 1 (c) Decency and Offensiveness -

This advertisement is degrading to many Māori and is could cause those Māori both psychological harm and/or widespread offence. It could give rise to ridicule, contempt and abuse by others. It exploits Māori culture and cultural beliefs.

2. Rule 1 (g) Fear and distress -

This advertisement has and will probably cause more fear and distress among Māori who will not vaccinate or are currently hesitant to vaccinate. It exploits superstitious and vulnerable Māori. It makes the claim that getting vaccinated = fighting for your whakapapa, which holds no truth but is merely used for shock value.

3. Rule 2 (b) Truthful presentation -

This advertisement misleads Māori into believing that the only way to fight for their whakapapa is to vaccinate. It uses the sacred nature of whakapapa to abuse the trust all Māori inherently (tend to) have in each other, to imply that vaccinating is how you fight for whakapapa and provide a false representation of what whakapapa is.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 1(g), 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 including robust expression of opinion.

### **About this complaint**

The Chair acknowledged the Complainant was concerned the advertisement was marginalising Māori who don't want the vaccination and causing fear and distress in the vaccine hesitant. The Complainant was also concerned the advertisement exploits Māori culture and misuses the concept of 'whakapapa' for advertising purposes.

The Chair noted the role of Te Whānau o Waipareira in providing services to whānau in the wider Waitakere community, covering health, housing, social justice and education.

The Chair said the Advertiser's identity and position was clear and the advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code. The Billboards which included information about the nearest vaccination centre and the Trust's position statement "Fight for your whakapapa, get vaccinated" both contained the Te Whānau o Waipareira name and logo. The Facebook post with the embedded video repeats this message and includes text explaining the goal is to vaccinate 65,000 Māori in the next eight weeks.

The Chair 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 said she was required to consider the advocacy advertisements within the context of the current Government health response to COVID-19, including the national vaccination campaign and current vaccination rates in the population.

The Chair said the Advertiser was entitled to present their position and call to action on vaccinations and the reasons they consider it to be important. She said by its very nature, advocacy advertising presents one point of view and may include a call to action and others may disagree with the position or language used. The Chair said this did not make the advertisements misleading.

The Chair turned to consider the Complainant's issues regarding offence and fear and distress.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the call to action from a Trust in an advertisement was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said while she noted the sincere concerns of the Complainant, the advertisements did not reach the threshold to be likely to cause serious or widespread offensive, taking into account context, medium, audience and product and were not in breach of Rule 1(c) of the Advertising Standards Code. This is because the advertiser is a health provider and is advertising its vaccination service in a global pandemic.

Rule 1(g) of the Advertising Standards Code required the Chair to consider whether the advertisement was likely to cause fear and distress with justification. The Chair said the aim of the advocacy advertisements were to encourage local people to engage with the national vaccination campaign and was asking people to consider those around them in their decision-making process. The Chair ruled the advertisements did not meet the threshold to cause unjustified fear or distress and were not in breach of Rule 1(g) of the Advertising Standards Code.

The Chair said the advertisements met the requisite level of social responsibility and were not in breach of Principle 1, Principle 2 or Rules 1(c), 1(g), 2(b) 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](http://www.asa.co.nz). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.