

COMPLAINT NUMBER	21/472
ADVERTISER	Ministry for Pacific Peoples and Ministry of Health
ADVERTISEMENT	Unite Against COVID-19, Television
DATE OF MEETING	4 October 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement by the Ministry for Pacific Peoples and the Ministry of Health advocates for the COVID-19 vaccine. It shows a montage of people staring directly into the camera while a voice-over highlights the threat of COVID-19 and how it requires people to "unite and beat this". The advertisement ends by stating "Get on the journey and book your COVID-19 vaccine". On screen, text states "Get on the journey" with the URL to "Book My Vaccine" and a phone number. The logos for the Ministry for Pacific Peoples, Unite Against COVID-19 and Ministry of Health are at the bottom of the screen, bordered by a yellow stripe.

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

Complaint: The advert talks about how Covid affects all parts of society, yet the advert is only showing people brown colour. Being a multicultural family we find this offence. Advert was played on TV1 at approximately 6.30pm

As it says every part of society but doesn't include other cultures.

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

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not 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 offensive to only feature certain ethnicities.

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 television advertisement included a URL to “Book My Vaccine” website and phone number as well as the logos for the Ministry for Pacific Peoples and the Ministry of Health. The Chair said the position of the Advertiser was also clear from messaging such as “Get on the journey and book your COVID-19 vaccine.”

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 advertisement within the context of the current Government health response to COVID-19, including the national vaccination campaign. The Chair said that throughout the pandemic there had been advertisements from the Government targeting particular population demographics and the Advertiser was entitled to direct its message toward communities to reach a particular audience.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the call to action from two Government Ministries to certain groups within the community was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said the advertisement did not reach the threshold to be likely to cause serious or widespread offensive, taking into account context, medium, audience and product and was not in breach of Rule 1(c) of the Advertising Standards Code.

The Chair said the advertisement met the requisite level of social responsibility and was not in breach of Principle 1, Principle 2 or Rules 1(c) 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 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.