

<b>COMPLAINT NUMBER</b>	21/564
<b>ADVERTISER</b>	Ministry of Health
<b>ADVERTISEMENT</b>	Unite against COVID 19, Website
<b>DATE OF MEETING</b>	9 February 2022
<b>OUTCOME</b>	Settled

**Advertisement:** The Unite Against COVID-19 advertisement appeared in Gmail. The advertisement is titled, "The vaccine and your long term health" and shows an image of a woman with a mask on facing another woman wearing a face shield. Text states "The Pfizer vaccine has undergone thorough testing. Find out more here", and there is a blue "learn more" button underneath. The "Unite against COVID-19" name and logo is visible at the top left, as well as the URL "covid19.govt.nz".

**The Chair ruled the Complaint was Settled.**

**Complaint:** This advertisement uses the phrase "The vaccine and your long term health" and links to [https://covid19.govt.nz/covid-19-vaccines/get-the-facts-about-covid-19-vaccination/covid-19-vaccination-your-questions-answered?utm\\_source=googleads&utm\\_medium=awareness-native-cpc&utm\\_content=disco\\_publicimage\\_facts&utm\\_campaign=wat-moh0006&gclid=Cj0KCQiAzMGNBhCyARIsANpUkzMFVRXuvxDsMmWGpNZtsqrKV5WWr6CoTzuF5ZCFdrWhXgFBBeBJw3dsaAnVtEALw\\_wcB](https://covid19.govt.nz/covid-19-vaccines/get-the-facts-about-covid-19-vaccination/covid-19-vaccination-your-questions-answered?utm_source=googleads&utm_medium=awareness-native-cpc&utm_content=disco_publicimage_facts&utm_campaign=wat-moh0006&gclid=Cj0KCQiAzMGNBhCyARIsANpUkzMFVRXuvxDsMmWGpNZtsqrKV5WWr6CoTzuF5ZCFdrWhXgFBBeBJw3dsaAnVtEALw_wcB) The link does not lead to any information about the long term health effects of the vaccine, nor any other information about long term health effects associated with the vaccine. As an associated issue, it would be unlikely if not impossible that any studies could have occurred that create data on the long term health outcomes for the vaccine, given the amount of time it has been in the market (unless the definition of "long term" could reasonably be considered as 18 months or less). I submit that the advertisement breaches Rule 2 (b) around Truthful Representation, which states that 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. It also appears to breach Rule 2 (c) Use of data, which states that Advertisements must not use tests, surveys, research results or quotations from technical and scientific literature in a manner which is misleading or deceptive - in part on the basis that long term test data is simply not available.

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

**The Chair** noted the complainant was concerned the advertisement was being misleading about the long-term health effects of the COVID 19 Vaccination.

The Chair accepted the complaint to go before the Complaints Board to consider whether the advertisement was misleading.

The Advertiser responded to the complaint, and said in part:

“We did not intend the consumer outtake to be that you could find out more about the long-term health effects associated with the vaccine, and we appreciate the complainant bringing this to our attention. Their interpretation of these words “The vaccine and your long-term health” is not one that we anticipated when developing the advertising, and we will look to change this in the event of any future placements.

We know people are concerned about their long-term health, and it was certainly not our intention to be confusing or misleading with this statement.

One of the Ministry’s key messages is that getting COVID-19 can have long term effects on your health, and the primary goal with this ad was to direct people through to the relevant page on the website to find helpful information which addressed their concerns.

This advertisement is not planned to run again. If we repeat it in the future we will review this wording in light of the complainant’s interpretation to avoid ambiguity or misinterpretation.”

The Chair confirmed that as part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

The Chair reviewed the response from the Advertiser, which provided context for the intent of the advertisement and an acknowledgment of the Complainant’s interpretation. The Chair noted the undertaking in the Advertiser’s response that if used again, the advertisement would be reviewed, in light of the Complainant’s interpretation to avoid ambiguity.

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action of amending the advertisement if used again, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

**Chair’s Ruling:** Complaint **Settled**

#### **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.