

COMPLAINT NUMBER	22/043
ADVERTISER	Voices for Freedom
ADVERTISEMENT	Voices for Freedom, Out of Home
DATE OF MEETING	14 February 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Voices for Freedom billboard advertisement shows an image of a traffic light with the accompanying text, "TRAFFIC LIGHT SYSTEM 101:" in a red banner. Underneath is the text. "RED = Discrimination / ORANGE = Discrimination / GREEN = Discrimination". The URL voicesforfreedom.co.nz is shown along the bottom of the billboard, with the Voices for Freedom logo in the bottom righthand corner.

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

Complaint: This billboard is spreading misinformation about COVID-19, which stems from hate and racist rhetoric. It gives a platform for the voices of a vocal minority of people who protest these public measures intended to protect the most vulnerable in our community. You should not be able to pay to advertise misinformation, and the ASA should protect those vulnerable members of our community by removing this billboard.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2.

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.

The Chair confirmed the Voices for Freedom billboard advertisement is an advocacy advertisement under the Advertising Standards Code. She noted that advocacy advertising presents some of the most challenging advertising adjudicated on by the Complaints Board.

It is usually characterised by parties having differing views that are expressed in robust terms. This results in strong objections from complainants and an equally strong defence from advertisers.

Through the requirements of the Advertising Standards Codes of Practice and the Advocacy Principles, the Board supports issues being openly debated and have endeavoured not to apply a technical or unduly strict interpretation of the rules and guidelines.

Complainants sometimes ask the Board to in effect decide which side in an advocacy debate is correct. The Complaints Board has consistently declined to have a view on the merits of either side in an advocacy debate. The Complaints Board's only role is to determine whether there has been a breach of our Codes.

Under Rule 2(e) 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.

In considering the advertisement and the complaint before her, the Chair acknowledged the protection for freedom of expression in the New Zealand Bill of Rights Act 1990. She also noted the rapidly evolving nature of the COVID-19 pandemic. Taking these exceptional circumstances into account, she confirmed she would take a higher-level approach to the assessment of this advertising, based on the Principles in the Advertising Standards Code which are the requirements for social responsibility and truthful presentation in responsible advertising.

The Chair acknowledged the Complainant's sincere concerns the billboard is "spreading misinformation about COVID-19" and the impact this may have on the vulnerable in the community.

The Chair said the likely consumer takeout of the billboard advertisement is that Voices for Freedom, an advocacy organisation opposed to vaccine and mask mandates and other Government COVID-19 requirements, considers the traffic light system to be discriminatory.

The Chair confirmed the identity of the Advertiser was clear and the advertisement included a website address. The Chair said the image and wording on the billboard was clearly the opinion of the Advertiser promoting their interpretation of the Government's actions to minimise the impact of the COVID-19 pandemic.

The Chair said the advertisement did not meet the threshold to breach the Advertising Standards Code requirements for social responsibility and truthful presentation under Principles 1 and 2. This is because the advertisement is clearly the opinion of the advertiser. It expresses its view of the traffic light system which has different rules for people who are vaccinated and those who are not, which it considers to be discrimination.

The Chair ruled the advertisement was not in breach of Principles 1 and 2 of the Advertising Standards Code and 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.