

COMPLAINT NUMBER	22/061
ADVERTISER	Voices for Freedom
ADVERTISEMENT	Voices for Freedom, Billboard
DATE OF MEETING	7 March 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Voices for Freedom billboard shows a cartoon image of a man wearing a face mask and surrounded by six syringes. The billboard states, "Just one more and I'll be allowed back to church". The URL voicesforfreedom.co.nz is shown along the bottom with the Voices for Freedom logo in the righthand corner.

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

Complaint: This is blatant misinformation in light of the Covid-19 pandemic, and is intended specifically to discourage vaccination and health practice. I strongly feel that this billboard crosses the line past free speech well into assaulting the public health impact of misinformation during a pandemic. This billboard is visible directly outside a health/GP clinic at Connolly Street and Melling Street and is obviously placed to specifically target people attending the clinic.

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 undermining public health measures and discouraging the take up of the COVID-19 vaccination programme.

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, is making a satirical statement on the change in vaccine requirements from two shots to the addition of the booster and the impact vaccine mandates have on individual freedoms like going to church.

The Chair confirmed the identity of the Advertiser was clear and the advertisement included a website address. The Chair said the use of cartoon person and the six cartoon syringes in the advertisement meant consumers were likely to understand the statement was an exaggeration, reflecting the Advertiser's view on the vaccine mandates.

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 clearly represents the Advertiser's opinion of the vaccination process.

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 Complaints 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.