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| COMPLAINT NUMBER | 22/042 |
| ADVERTISER | Voices for Freedom |
| ADVERTISEMENT | Voices for Freedom, Billboard |
| DATE OF MEETING | 22 March 2022 |
| OUTCOME | Upheld Advertisement not to be used again |

Summary of the Complaints Board Decision

The Complaints Board upheld two complaints about a billboard advertisement published by Voices for Freedom. The Board said the advertisement was not socially responsible and was likely to mislead consumers.

Advertisement

The Voices for Freedom billboard advertisement shows a child in a hospital bed. Text on the image states "Maddie de Garay / 12 years old / Pfizer trial participant / Injured 2021". To the left, the billboard states "COVID VAX FOR KIDS: THE RISKS ARE REAL" with the URL "www.voicesforfreedom.co.nz/maddie" underneath. The Voices for Freedom logo is visible in the righthand corner.

Summary of the Complaints

Two Complainants were concerned the advertisement was promoting a misinformation campaign regarding vaccination. One complainant said there is no proof Maddie de Garay's illness was the result of the Pfizer vaccine and doctors had discredited such claims.

Issues Raised:

- Social Responsibility
- Truthful Presentation
- Advocacy Advertising

Summary of the Advertiser's Response

The Advertiser said the advertisement was socially responsible and there were far more disturbing images of post vaccine injury that could have been used and her injuries were the facts. The link in the advertisement lead to the website which sets out Maddie's story as a Pfizer trial participant.

The Advertiser cites a June 2021 panel discussion held by US Senator Ron Johnson with the vaccine injured and a January 2022 senate meeting which provides different perspectives on the global pandemic response. The Advertiser also refers to the Canadian Covid Care alliance speaking of the flaws in the Covid vaccine that Maddie participated in and Pfizer adverse event reports which suggests the vaccine trials did not prove safety, but harm.

The Advertiser said it is important in a democratic society with rights to freedom of speech that the public is exposed to the pros and cons and potential risks

A full copy of the Advertiser's response is in Appendix 2.

Summary of the Media Response

The Media, Jolly Billboards, confirmed the billboard has now been uninstalled.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

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.

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.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to precedent Decision 21/540 which was Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 21/540 concerned 45 complaints about an unaddressed mail flyer advertisement, published and distributed by Voices for Freedom, which contained information against COVID 19 vaccinations for children. The Complainant were concerned the flyer was misleading, fear mongering and undermining public health messaging.

While the Complaints Board acknowledged the New Zealand Bill of Rights Act 1990 protection of freedom of expression, it agreed the following reasons justified it taking 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 broad public health implications of the COVID-19 global pandemic at a population level provided a counterweight to the usual liberal assessment of advocacy advertising with regard to social responsibility and truthful presentation.

The Board agreed the rapidly evolving nature of the pandemic also meant information used to support statements for and against vaccination could quickly become out-of-date.

The Complaints Board said the advertisement and its unrestricted distribution via letterboxes was not socially responsible. This is because in the context of the pandemic, it presents selected information likely to cause fear and distress to a vulnerable audience (parents of younger children).

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: The dynamic nature of the global pandemic and criticism of Government decisions to address the spread and impact of it
 - Medium: Billboard
 - Audience: Unrestricted to adults and children
 - Product: Advocacy messaging from an organisation supporting its belief on vaccination risks.

Adjudicating on Advocacy Advertising

The Chair 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 has generally 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) 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.

Complaints Board approach to advocacy advertising about COVID-19

The Complaints Board decided at its meeting on 1 February 2022 to take a higher-level approach to the assessment of complaints about advocacy advertising relating to COVID-19. This approach focuses on the two overarching Principles in the Advertising Standards Code, social responsibility and truthful presentation.

In making this decision, the Complaints Board took into account the exceptional circumstances of the COVID-19 pandemic, which has been declared a public health issue of international concern by the World Health Organisation.

The Complaints Board acknowledged the importance of the protection of freedom of expression under the New Zealand Bill of Rights Act 1990. At the same time the Board said the broad public health implications of the COVID-19 global pandemic, at a population level, provided a counterweight to the usual liberal assessment of advocacy advertising.

The Complaints Board referred to a quote from a recent publication by the New Zealand Human Rights Commission:

“Under human rights law some rights can be limited by public health measures which respond to the outbreak of a disease posing a serious threat to the health of a population.”¹

The Complaints Board noted the Government’s public health measures continue to evolve over time, in response to the latest updates in scientific knowledge about the virus. These measures include the promotion of vaccinations to protect against COVID-19

Consumer Takeout

The majority of the Complaints Board agreed the likely consumer takeout of the advertisement was that the COVID 19 vaccine poses a real risk for children and the child featured on the billboard had been injured from having the Pfizer vaccine. For some members of the Board the takeout centred around the child being injured as a result of participating in the Pfizer vaccine trial.

Has the advocacy advertisement met the identification requirements?

The Complaints Board agreed the advertisement had been adequately identified as an advocacy advertisement and the Advertiser’s identity was clear. The advertisement includes the Voices for Freedom logo and the website address, www.voicesforfreedom.co.nz/maddie appears on the billboard. The Advertiser’s position that there are real and serious risks associated with children receiving the COVID-19 vaccine was also clear.

Was the advertisement likely to mislead, deceive or confuse consumers?

The Complaints Board agreed the advertisement could be misleading to some consumers. The Complaints Board said the Advertiser is making a factual claim about risks of the vaccine based on reported vaccine injuries. The Board noted the facts around this case have been disputed and that the Advertiser had not provided sufficient evidence that Maddie de Garay had been diagnosed as harmed by the Pfizer vaccine to support the definitive claim made in the advertisement.

Was the advertisement socially responsible?

The Complaint Board said the billboard advertisement to an unrestricted audience was not socially responsible. This is because in the context of the pandemic, it presents selective, unsubstantiated information likely to cause fear and distress to a vulnerable audience (parents and children). The Board said the advertisement implies a serious risk to children from the Pfizer vaccination by using an unsubstantiated example of a child suffering adverse effects from the vaccine. The Complaints Board said this could undermine the Government’s health measures, specifically the vaccination campaign, recommended by the Government’s expert body on medicines, Medsafe.

The Complaints Board particularly noted the requirement in Principle 1, to observe a due sense of social responsibility to consumers and to society. This required a consideration of the rights of the whole population of New Zealand rather than just the rights of the individual.

The Complaints Board unanimously agreed the advertisement was not socially responsible, taking into account context, medium, audience and product and was in breach of Principle 1 and Principle 2 of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Upheld**.

Advertisement not to be used again.

¹ *A human rights and Te Tiriti o Waitangi approach to Aotearoa New Zealand’s proposed Covid-19 Protection Framework* – Human Right Commission - November 2021

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.

APPENDICES

1. Complaints
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINT 1

Hi there, A billboard on the corner of Jellicoe and Dunn Road on Panmure has recently started advertising misinformation regarding vaccine [...] The advertisement appears to have been paid for by 'Voices for Freedom' and points to their website www.voicesforfreedom.co.nz

COMPLAINT 2

[...] Both of these ads make unsubstantiated medical claims. The "Maddie" ad is based on a story from The USA where there is no proof that the illness the girl is suffering is because of the vaccination as claimed, and doctors have widely dismissed this as a misinformation campaign.

Appendix 2

RESPONSE FROM ADVERTISER, VOICES FOR FREEDOM

RE: Voices For Freedom

www.voicesforfreedom.co.nz/maddie

Complaint 22/042

1. We are in receipt of your letter of 23 February 2022 in respect of our billboard featuring Maddie de Garay (“**the Maddie Billboard**”).
2. The Maddie Billboard is part of our most recent nationwide billboard campaign which has been viewed by hundreds of thousands of New Zealanders via the billboards themselves and via subsequent reproductions on signs, flyers and social media.
3. In response we have received many thousands of messages of support.
4. Meanwhile, as per usual, a handful of complaints have been made to you. The complaints assert that the Maddie Billboard “makes unsubstantiated claims” and constitutes “misinformation”. These are false assertions and are emphatically denied.
5. First this advertisement has been prepared and placed with a due sense of social responsibility to consumers and to society. There are far more disturbing images of post vaccine injury that could have been used.

6. The billboard shows Maddie lying in a hospital bed on one of her numerous visits post vaccination. The wording on the billboard is, if anything, very much underplaying the horrific extent of the injuries suffered by Maddie. All that is stated in this billboard are the facts as related to the photograph, namely:

“Maddie de Garay, 12 years old, Pfizer trial participant, Injured 2021” and “Covid Vax For Kids: The Risks Are Real & www.voicesforfreedom.co.nz/maddie”.

7. The Maddie Billboard does not mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge. The fact is that Maddie in the photograph is 12 years old, was a Pfizer trial participant, she was injured in 2021 and there are real risks for kids in taking the Covid-19 vaccine. These risks are all the more important given that Covid-19 in children is almost always a mild flu-like illness, from which 99.998% recover².
8. The Maddie Billboard carries a link to our website to a specific page (www.voicesforfreedom.co.nz/maddie) setting out information about what happened to Maddie.

Maddie volunteered for the Pfizer Clinical Trials for 12–15 year olds conducted through the Gamble Program at Cincinnati Children’s Hospital.

She was a healthy, energetic girl, a good student, kind and social – but Maddie hasn’t been the same since she got the second Pfizer Vaccine.

Within 24 hours she developed abdominal, muscle and nerve pain that became unbearable and, over the next two-and-a-half months, she was admitted to the hospital three times, with each stay a little longer than the last.

She developed additional symptoms including gastroparesis, nausea and vomiting, erratic blood pressure and heart rate, memory loss (she mixes up words), brain fog, headaches, dizziness, fainting (she fell and hit her head), and seizures.

She developed verbal and motor tics, loss of feeling from the waist down, muscle weakness, drastic changes in her vision, urinary retention and loss of bladder control, severely irregular heavy menstrual cycles, and eventually she had to have an NG (feeding) tube put in to get nutrition. All of these symptoms are still here today, and some days are worse than others.

Steph de Garay, Maddie’s mother, said “There was nothing wrong with her. She was perfectly happy and now, whatever happened, it has changed her”.

² <https://www.voicesforfreedom.co.nz/kids>

Over a year post-vaccine they are still living a nightmare with no support from the mainstream medical community.

"Why is she not back to normal? She was totally fine before this. She did right in trying to help everyone else and they're not helping here," said Stephanie de Garay, Maddie's mother.

Maddie's mother said her daughter has been to the emergency room nine times – and she has been hospitalized three times.

"All we want is for Maddie to be seen, heard, and believed because she has not been. And we want her to get the care that she desperately needs, so she can go back to normal," said Stephanie de Garay, in tears.

Cincinnati, Ohio, USA

9. US Senator Ron Johnson hosted Maggie at [a panel discussion with vaccine injured](#) on 28 June 2021. [See the video on our website](#). Subsequently on 24 January 2022 he invited a group of world renowned doctors and medical experts to the U.S. Senate to provide a different perspective on the global pandemic response, the current state of knowledge of early and hospital treatment, vaccine efficacy and safety, what went right, what went wrong, what should be done now, and what needs to be addressed long term. This [38 minute video highlights the 5-hour discussion](#).
10. The Canadian Covid Care Alliance are a group of doctors speaking up on flaws in the Covid-19 vaccine trials and on Covid-19 vaccine harm as well as sharing science-based evidence in respect of Covid-19 care and on pandemics generally. A particularly relevant short video to watch highlights the problems or alternatively there is a succinct PDF slide presentation. [Both available here](#). These cover the Pfizer trial that Maggie participated in.
11. In the past few weeks we have had further evidence in respect of side effects through [Pfizer's own documentation which they were forced to release by Court Order](#). A useful summary by a doctor is [here](#) (because the original is hard to read) and another respected medical professional Dr John Campbell (who has been pro the Covid-19 vaccine throughout the past two years) did a [video on the Pfizer side effect documents](#) here 8 days ago.
12. Our identity and position has been clearly stated on the Billboard along with our contact details. The Billboard contains a series of factual statements, and all statements are substantiated as set out in this letter.
13. The information we provide hardly ever makes it into mainstream news or media and certainly not covered by government promotions. The public is not exposed

to a balanced conversation, pros and cons, the big picture of risks, potential risks, or any other limitations on the Covid-19 vaccine.

14. There is no full and transparent information from the authorities or media to ensure a genuine informed consent process. We consider it an indictment on the system that a grassroots movement such as Voices for Freedom has had to take up that charge independently.
15. Voices for Freedom is an independent, not-for-profit, advocacy organisation. We are founded by three mothers with backgrounds in corporate commercial law, litigation law, education and with successful business backgrounds. We are supported by an advisory board of distinguished doctors, scientists and other professionals and represent over 100,000 Kiwis.
16. We are honoured to have interviewed many of the world's leading medical and scientific experts over the past two years. We understand the need for truth, for honesty and for transparency. We are fastidious in our research and the work we produce.
17. The Maddie Billboard is an educational publication. It is classic advocacy. It is a publication providing a service to the public, assisting them as it does as part of their informed consent decision-making process by getting them to think critically.
18. It is important in a democratic society which claims to uphold the rule of law, and rights to freedom of speech, that billboards like ours be seen and heard.
19. NZ law requires that individuals are provided with the information they need to make a fully informed choice.³ Without full robust dialogue, that cannot happen. Because without free speech, we are not free.

Appendix 3

RESPONSE FROM MEDIA, JOLLY BILLBOARDS

All of the billboards for cases 22/048 /044 /042 I have had confirmation have been uninstalled.

³<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>