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| COMPLAINT NUMBER | 22/044 |
| ADVERTISER | Voices for Freedom |
| ADVERTISEMENT | Voices for Freedom, Billboard |
| DATE OF MEETING | 22 March 2022 |
| OUTCOME | Not Upheld No Further Action Required |

Summary of the Complaints Board Decision

The Complaints Board did not uphold four complaints about a billboard advertisement published by Voices for Freedom. The Complaints Board said the advertisement reflected information reported in a statement from the Ministry of Health and did not reach the threshold to breach the social responsibility or misleading principles of the Advertising Standards Code.

Advertisement

The Voices for Freedom billboard advertisement shows an image of a man holding a dog. Text on the image states, "Rory Nairn / 26 years old / Died: 17th Nov 2021 / Myocarditis after / Pfizer jab". Next to the image is text which states, "COVID VAX: THE RISKS ARE REAL" and underneath is the URL www.voicesforfreedom.co.nz/rory.

Summary of the Complaints

Four Complainants were concerned the advertisement was misleading to highlight a death and implying the vaccination was an unacceptable risk, when myocarditis is more likely from a COVID infection than the vaccine. The Complainants were concerned the advertisement was not socially responsibly and was spreading misinformation, scaremongering and going against the public health response message. One Complainant was concerned the advertisement had been place outside government agencies used by vulnerable populations.

Issues Raised:

- Social Responsibility
- Truthful Presentation
- Advocacy Advertising

Summary of the Advertiser's Response

The Advertiser noted the ASA is inclined to make an assessment about social responsibility, influenced by the prevailing government view as to what constitutes appropriate health advice. The Advertiser said the Billboard is an educational publication to assist the public with their informed decision-making process by getting them to think critically.

The Advertiser said the wording on the billboard underplays the nature of his death, all that is stated are the facts.

The Advertiser cites the Canadian Covid Care Alliance which in which a group of doctors speaking about the flaws in the vaccine trials and vaccine harm and Pfizer's own report on aide effects. The Advertiser also cited Dr Peter McCullough regarding young people and vaccine risk and information about myocarditis, showing it is not a rare side effect.

The Advertiser said it took a young man's death to prompt the government to issue a letter to all doctors highlighting the need to disclose the risks involved "in the jab" and specifically of myocarditis for younger people.

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

Summary of the Media Response

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

Relevant ASA Codes of Practice

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

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.

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 Complaints Board agreed the likely consumer takeout of the advertisement was that myocarditis is a real side effect of the Pfizer vaccine and here is an example of a young man who died from the adverse reaction to the vaccine.

The majority of the Complaints Board said the likely takeout of the statement made in the advertisement “THE RISKS ARE REAL” would be that myocarditis is a known adverse reaction to the vaccine. For a minority of the Board the takeout of the statement was dying from myocarditis was a real and significant risk which should make you think twice about receiving the vaccination.

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/rory is on the billboard. The Advertiser’s position on the risk of myocarditis as an adverse effect of the COVID-19 vaccine was also clear.

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

The majority of the Complaints Board said the advertisement was not likely to mislead or deceive consumers. The Complaints Board said the advertisement reflected information reported in a statement from the Ministry of Health that Rory Nairn’s death was currently being attributed to the Pfizer vaccine. The Board noted a press release from the Ministry of Health on 20 December 2021 stated:

“With the current available information, the [COVID-19 Vaccine Independent Safety Monitoring] Board has considered that the myocarditis was probably due to vaccination in this individual.”

<https://www.health.govt.nz/news-media/media-releases/statement-covid-19-vaccine-independent-safety-monitoring-board>

The majority of the Board said the advertisement was highlighting an incident which was publicly communicated through mainstream media. It also noted the large amount of information available from a variety of sources about COVID-19, including the Government, the science community, news media and interest groups, meaning the issues raised in this advertisement did not appear in isolation.

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

A minority of the Complaints Board disagreed and said the advertisement could mislead or confuse consumers by taking an isolated case out of context. A minority of the Board said the billboard had singled out one very sad situation in order to suggest the rare adverse reaction of myocarditis is more common than real world data shows.

Was the advertisement socially responsible?

The majority of the Complaints Board said the advertisement had not met the threshold to breach Principle 1 of the Advertising Standards Code. The majority of the Complaints Board said the advertisement was stating a fact that myocarditis is a recognised rare adverse reaction to the Pfizer vaccine.

A minority of the Board disagreed and said the threshold to breach Principle 1 of the Advertising Standards Code had been reached. The minority said the advertisement was not socially responsible in the context of the pandemic. For a minority of the Board, the advertisement did not portray the risks of the vaccination in a responsible way and implied the risk of dying from the vaccination was far greater than is statistically true. A minority of the Board said the advertisement was reframing an isolated incident as evidence of potential widespread harm. The implication was that the vaccine was not safe.

A minority of the Board said the advertisement was in breach of Principle 1 and Principle 2 of the Advertising Standards Code.

However, in accordance with the majority, the Complaints Board ruled the advertisement had not reached the threshold to breach Principle 1 or Principle 2 of the Advertising Standards Authority, taking into account context, medium, audience and product.

Outcome

The Complaints Board ruled the complaints were **Not Upheld**.

No further action required.

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

I believe the billboards breach advertising standards in relation to advertising health issues to New Zealanders, truthfulness, and the social good. The Billboard about Rory presents a story that is true, but the implication is that his story is a reasonable reason to refuse the covid-19 vaccination. The truth is that myocarditis is much more likely from infection with COVID-19 than from the vaccine. [...] Both billboards present a disturbing idea to the New Zealand public, that vaccination is an unacceptable risk. This goes against the position of New Zealand health agencies. I am particularly concerned that these billboards are erected outside of work and income New Zealand/Oranga Tamariki. These are agencies to which members of extremely vulnerable populations are likely to attend in person in order to see these boards. This placement was absolutely not coincidental.

COMPLAINT 2

Hi there, These billboards that are found in Wellington CBD are, frankly, disgusting, especially the billboard where the post concerns Rory Nairn. That particular billboard explicitly conveys the dangers of vaccinations and makes it appear as if getting the vaccine will result in death. I don't think there's any defence against this whatsoever and I'm appalled that these are even permitted as advertisements in the public space. The second billboard is clearly also promoting anti-vaccine rhetoric.

COMPLAINT 3

Self explanatory I think it directs people to a website that spreads misinformation under the guise of "freedom thinking"

COMPLAINT 4

The billboard is basically scaremongering public into thinking the vaccination is unsafe and kills. It refers people to a website that is largely pro anti vax and encouraging disinformation and anti government behaviours

Appendix 2

RESPONSE FROM ADVERTISER, VOICES FOR FREEDOM

RE: Voices For Freedom

www.voicesforfreedom.co.nz/rory

Complaint 22/042

1. We are in receipt of your letter of 23 February 2022 in respect of our billboard featuring Rory Nairn ("**the Rory Billboard**" / "**our billboard**").
2. The Rory 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. A couple of complaints assert that the Rory Billboard is “*misinformation*”, another is forced to acknowledge that “***the billboard about Rory presents a story that is true***”.
5. However this same person goes on to say that notwithstanding this true story (of the death of a healthy young man) it should apparently be against advertising standards for there to be any “*implication that his story is a reasonable reason to refuse the Covid-19 vaccination*” and he is particularly concerned that the billboard “*goes against the position of the New Zealand health agencies*”. Another complainant similarly is outraged that we are “*encouraging disinformation and anti-government behaviours*”.
6. It is these latter statements that we wish to especially draw your attention to in respect of this response. We understand from your previous rulings that you may be inclined to make an assessment of whether or not a publication is deemed to be in breach of your standards by focusing on whether or not the publication is socially responsible and in doing so you appear to be strongly influenced by the prevailing government view as to what constitutes appropriate health advice.
7. The problem for you is that with Covid-19 the government has been engaged in a propaganda campaign against its own people. Time and again during the past two years the government, its health officials and endorsed health ‘experts’ have made misleading claims in respect of various aspects of the Covid-19 response. Indeed our Prime Minister even acknowledges openly that her government has been engaged in “[sustained propaganda](#)”.
8. What if the government is wrong? What if the advice it has been promulgating is ineffective? What if, worse than that, it is not only ineffective but unsafe?
9. Now is not the time for those in positions such as yourself to shy away from making the right decision. Now indeed is the time for a liberal assessment of advocacy advertising.

10. Voices for Freedom is an independent, not-for-profit, grassroots advocacy organisation. We are founded by three mothers with backgrounds in corporate commercial law, litigation law, education and with successful business backgrounds.
11. We are supported by an advisory board of distinguished doctors, scientists and other professionals and represent over 100,000 Kiwis. 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.
12. The truth is that this government's response to Covid-19 has been a disaster, the true depths of which will only become more apparent as time goes on. To understand this, one only needs to look at the farcical situation of the past few weeks where vaccinated hospital workers testing positive for Covid-19 are allowed back into the workplace whilst healthy, non-vaccinated, who have tested negative for Covid-19 are shut out.²
13. The fact is that the Rory 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.
14. 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.

RESPONSE TO THE COMPLAINT

15. First this advertisement has been prepared and placed with a due sense of social responsibility to consumers and to society.
16. Voices For Freedom obtained permission from the owner of copyright in the image and Rory's next of kin to use it in our campaign.
17. The billboard shows Rory as a young healthy man. The wording on the billboard is, if anything, very much underplaying the nature of his death. All that is stated in this billboard are the facts as related to the photograph, namely:

² <https://www.stuff.co.nz/national/health/coronavirus/300535431/covidpositive-health-workers-can-return-to-work-as-selfisolation-rules-change>

“Rory Nairn, 26 years old, Died: 17th November 2021, Myocarditis after Pfizer jab” and “Covid Vax: The Risks Are Real www.voicesforfreedom.co.nz/rory”.

18. Our 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 Rory Nairn died aged 26 years old on 17 November 2021 and his death was ruled by a coroner to have been as a result of myocarditis following his Pfizer jab.
19. Our Billboard carries a link to our website to a specific page <https://www.voicesforfreedom.co.nz/rory> setting out information about what happened to Rory.

The following story was written by Ashleigh, fiancé of Rory Nairn the young man aged 26 years, who died suddenly in the days following his Covid-19 vaccination.

I'd like to share Rory's story.

As many of you may know my fiancé Rory passed away on the morning of 17 November 2021.

I believe my partner was a victim of an adverse cardiac reaction caused by the Covid vaccination.

Rory regretfully had his first Covid vaccination on the morning of the 5th of November. He started feeling heart flutters that evening, we put this down to stress as we were in the process of selling and buying a house and planning a wedding.

We never, ever considered the events that followed.

Rory began having heart palpitations regularly at night, and again, we thought this was stress. 12 days later, Rory was up and down again during the night with his heart palpitations and an 'uncomfortable' feeling in his chest. We finally decided to head to the hospital at 3am for reassurance.

Within moments, Rory went into cardiac arrest and died instantly in our home.

After 40 minutes of attempts, CPR from the paramedics, he was pronounced dead.

He was 26 years old, with no pre-existing medical conditions. He played rugby, went diving and hunting on the weekends, worked hard as a plumber, and had his whole life ahead of him.

We had our whole lives ahead of us!

Initial Autopsy report: unknown cause of death.

The further report focused on heart problems took an extended amount of time to receive final conclusion. The pathologist concluded that Rory died from vaccine-induced myocarditis and pericarditis.

I initially stated that Rory had chest pains prior to the Covid vaccination and commented this on posts. This was in hopes of getting insensitive posts regarding his death removed, while we went through a time of utmost hell and grief.

The media attention we received was overwhelming and unwelcome.

I have questions:

Why are young and fit people experiencing heart issues?

Why are Covid vaccine-related deaths not reported on our 1pm updates or any media releases?

Why is the government protecting the elderly from Covid-19, but not protecting healthy young men from this vaccine?

If we had known about these issues, maybe we would have thought twice about this, and Rory would still be with us.

For our families, this is about informed consent.

Why are we not told about these side effects and what to do if we experience them?

We need to talk about this.

Ever since Rory passed, I have had multiple people contacting me with their stories of their experiences (mostly cardiovascular-related). Personally, I have had both shots and was previously pro-vaccine, so have been on both sides of the fence blindly following misinformation.

I urge anyone who experiences any heart symptoms post-Covid vaccination to seek medical advice at a hospital immediately.

Please share this post to spread awareness about heart-related side effects due to the Covid vaccine.

26-year-olds should not be going into cardiac arrest.

This is Rory's story 

IMPORTANT INFORMATION HIGHLIGHTING PFIZER SAFETY CONCERNS:

20. 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 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.
21. 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).
22. Dr Peter McCullough³ is a world leading cardiologist, the most published author in his field and one of America's leading physicians on the early treatment of

³ Dr Peter McCullough Credentials:

Dr Peter McCullough, MD, MPH, FACC, FACP, FAHA, FASN, FNKF, FNLA, FCRSA is:

Chief Medical Advisor, Truth for Health Foundation

President of the Cardiorenal Society of America

Editor-in-Chief, Cardiorenal Medicine

Editor-in-Chief, Reviews in Cardiovascular Medicine

Senior Associate Editor, American Journal of Cardiology

Dr. McCullough is an internist, cardiologist, epidemiologist. He maintains ABIM certification in internal medicine and cardiovascular diseases. He practices both internal medicine including the management of common infectious diseases as well as the cardiovascular complications of both the viral infection and the injuries developing after the COVID-19 vaccine in Dallas TX, USA.

Since the outset of the pandemic, Dr. McCullough has been a leader in the medical response to the COVID-19 disaster and has published "Pathophysiological Basis and Rationale for Early Outpatient Treatment of SARS-CoV-2 (COVID-19) Infection" the first synthesis of sequenced multidrug treatment of ambulatory patients infected with SARS-CoV-2 in the American Journal of Medicine and subsequently updated in Reviews in Cardiovascular Medicine.

He has 46 peer-reviewed publications on the infection and has commented extensively on the medical response to the COVID-19 crisis in The Hill and on FOX NEWS Channel.

On November 19, 2020, Dr. McCullough testified in the US Senate Committee on Homeland Security and Governmental Affairs and throughout 2021 in the Texas Senate Committee on Health and Human Services, Colorado General Assembly, and New Hampshire Senate concerning many aspects of the pandemic response.

Dr. McCullough has had one full-year of dedicated academic and clinical efforts in combating the SARS-CoV-2 virus and in doing so, has reviewed thousands of reports, participated in scientific

Covid-19. As a result of his speaking up on Covid-19 he has suffered many attacks. Despite this, he continues to speak out.

23. Here is a relevant excerpt from an interview we had with Dr McCullough. This video is only a few minutes long: <https://odysee.com/@voicesforfreedom:6/Under-No-Circumstances-Should-Anyone-Under-30-Consider-The-Covid-19-Vaccine:5> (The full interview has been viewed in various formats over 300,000 times and is well worth watching for a general overview and available on Odysee format here: <https://odysee.com/@voicesforfreedom:6/Dr-Peter-McCullough:b>).

IMPORTANT INFORMATION ABOUT MYOCARDITIS

24. Dr McCullough has recently been a key expert witness in a Senate Hearing in the USA and then just last week on 10 March he was interviewed specifically about myocarditis. The link to the interview follows.
25. It important to watch this to understand how rare myocarditis was before the Covid-19 vaccine, how the numbers now reported in various adverse event databases show it is not a rare side effect, how it is a significant (not mild) condition and finally how statistics can be misleading (when considering rates of myocarditis put forward as resulting from Covid-19) due to how data is captured.
26. Claims that myocarditis is more prevalent as a side effect of the virus than the vaccine are not well founded. Dr McCullough clearly shows how these claims are tenuous, based on assumptions relating to the data collection and cannot be relied upon in a comparison to myocarditis from vaccine side effect statistics. <https://thehighwire.com/videos/are-we-doing-more-harm-than-good/>. (For time poor watchers the particularly important part focused on myocarditis is at 26 minutes in).
27. Subsequent to Rory's death there were a lot of concerns shared including on social media as people demanded to know why our government had not provided more information on the risks involved in the jab and, specifically, the risks in respect of myocarditis for younger people.
28. A month later Ashley Bloomfield quietly sent out the letter **annexed** below to all doctors. The letter highlights the need for the provider to disclose the risks of

congresses, group discussions, press releases, and has been considered among the world's experts on Covid-19.

myocarditis to each patient, as well as the symptoms to watch out for. It took the death of a young man to get this to happen, despite groups like Voices for Freedom and many individual scientists and doctors speaking out about the risks many months prior.

29. We consider the Rory Billboard is the most important billboard of our campaign. It is heart wrenching that Rory died. All the more so because, not being informed as to the risks, he died without having given his informed consent to the medical procedure performed on him. Rory deserved much better. In sharing his story we are spreading awareness of the real risk. It is a story that should be told. A story that must be told.
30. Finally, it is an indictment on the system that a grassroots movement such as Voices for Freedom had to be the one letting people know about these risks (which were known even before the roll out of the Pfizer campaign in this country).
31. Our medical authorities have failed us. The full extent to which they have failed New Zealanders - and especially the young people that suffer life debilitating health consequences post jab – will only become more apparent as time goes on.

Appendix 3

RESPONSE FROM MEDIA, JOLLY BILLBOARDS

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