

COMPLAINT NUMBER	22/069
ADVERTISER	Department of the Prime Minister and Cabinet
ADVERTISEMENT	Unite Against COVID-19, Radio
DATE OF MEETING	20 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The radio advertisement for the Department of the Prime Minister and Cabinet promotes "whānau vaccinations" against COVID-19. The female speaker states that booster vaccines are "the best way to keep Omicron out of your whare" and encourages the listener to bring their "kura-aged tamariki" along to be vaccinated at the same time so " you can all get protected together". The speaker directs people to bookmyvaccine.nz or 0800 28 29 26 to book their vaccinations.

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

Complaint: The advertisement was encouraging people to take booster vaccine shots because they reduce/prevent transmission of the covid virus.

There is wide acknowledgement, even from the leader of the National Party, that current science shows no reduction of transmission of covid after vaccination.

An example of the science may be found at <https://www.researchsquare.com/article/rs-1279005/v1>. This study clearly states no reduction of transmission of covid after vaccination.

The advertisement contributes to a false sense of security for those who have vaccinated, and may promote transmission by giving vaccinated individuals the impression that they cannot infect those around them.

The Government needs to be accurate in their claims, otherwise trust in them is lost.

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

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(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.

The Chair of the Complaints Board noted the Complainant was concerned the advertisement implied if you receive the booster vaccination you cannot pass on the COVID-19 virus. The Chair considered this to be a complaint about the efficacy of the vaccine.

The Chair said the likely consumer takeout of the advertisement was it promoted the Government's rollout of the COVID-19 vaccination campaign and encouraged people to book in for a booster vaccination to help protect themselves and those around them.

About Advocacy Advertising

The Chair confirmed the advertisement was advocacy advertising under the Advertising Standards Code and the Advertiser's identity and position was clear. The radio advertisement included the website address *bookmyvaccine.nz* which has been used through the vaccination programme. The advertisement promotes the rollout of the COVID-19 booster vaccination.

Role of the Advertising Standards Authority

The Chair said the matters raised by the Complainant are outside the remit of the Advertising Standards Authority (ASA).

The Chair referred to a recent decision by the Chairperson of the ASA Appeal Board, [21/532 Appeal 22/002](#), where an application to appeal a No Grounds to Proceed decision relating to a Department of the Prime Minister and Cabinet Unite Against COVID-19 advertisement was declined. The Chairperson found that the safety and efficacy of the vaccine itself and the approval process followed by the Government regulator is not a matter that the ASA can adjudicate on. The Chair said the arguments in that decision applied directly to this complaint. In the decision the Chairperson referenced the [Cameron](#) decision (*Electoral Commission v Cameron* [1997] 2 NZLR 421,424) from a judicial review of a Complaints Board decision about an Electoral Commission advertisement.

The Chairperson noted the following excerpt from the Cameron decision:

...we would expect the Board to tread carefully in relation to such matters as the public education advertisements of the Commission and similar public authorities to ensure that it does not substitute its views for those of an expert body charged with particular responsibilities.

The Chair said the advertisement was part of the Government's Unite Against COVID-19 series of advertisements. The Unite Against COVID-19 strategy is co-ordinated by the Department for the Prime Minister and Cabinet, with the support of other agencies, including the Ministry of Health and Medsafe. In order to ensure the "ongoing response to COVID-19 is informed by the best available expert advice" the Minister for COVID-19 Response has also established several groups: the COVID-19 Independent Continuous Review, Improvement and Advice Group, the Strategic COVID-19 Public Health Advisory Group and the Community Panel.

The Chair said the advertisement was from an expert body promoting the vaccine rollout, and the efficacy of the vaccine is not a matter the ASA can adjudicate on. She noted the [Datashet](#), which provides relevant information about the vaccine, was available on the Medsafe website, in addition to information about [Medsafe's approval process](#) and [approval of COVID-19 vaccines](#).

The Chair said the issues raised by the Complainant fall outside the remit of the Advertising Standards Authority and there were no grounds on which the complaint could 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.