

COMPLAINT NUMBER	22/067
ADVERTISER	Department of the Prime Minister and Cabinet
ADVERTISEMENT	Unite Against COVID-19, Digital Marketing
DATE OF MEETING	26 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Unite Against COVID-19 web page titled, "Vaccination for children aged 5 to 11" promotes the COVID-19 vaccine for children. The page provides information about the benefits of vaccinating children, the vaccines effectiveness and safety, and the process for vaccinating a child. The page provides links to book or find a vaccination centre and a number to call for more information. The *Te Kāwanatanga o Aotearoa | New Zealand Government* logo is shown at the bottom of the page.

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

Complaint: I believe the claim that "The trials in 5 to 11-year-olds with a child dose of the Pfizer showed the vaccine was safe, and side effects were similar to those observed with the full dose in 12 to 15-year-olds. The side effects were generally mild. Millions of people aged 12 to 15 have now been vaccinated around the world, and no additional safety concerns have been raised. " There is a live investigation by the UK Police due to the many instances adverse reactions.. Friday, 07 January 2022 PUBLIC ANNOUNCEMENT UK POLICE LAUNCH MAJOR INVESTIGATION INTO MRNA COVID-19 VACCINE-RELATED CORPORATE CRIMES AND THREATS TO PUBLIC HEALTH Metropolitan Police Crime Number: 6029679/21. International Criminal Court (The Hague) case number: OTP-CR-473/21 The world's largest-ever international criminal investigation is now under-way, involving Hammersmith Police, The Metropolitan Police, and The International Criminal Court. The UK police accepted the supporting information and agreed there is enough evidence to proceed under the above crime number. This indicates there are issues. This sheet shows that the Government is aware of adverse effects. According to Medsafe there have been at least 144 cases of myocarditis/pericarditis reported up to 9th October: https://www.medsafe.govt.nz/COVID-19/safety-report-32.asp?fbclid=IwAR3Dbbjd18A-HtDWvZZ8HUKIDX2SfEO0F34gkb3_DB9gUjKsNbNz07JbDA#analysis Medsafe also say that they believe only about 5% of adverse effects are reported: <https://www.medsafe.govt.nz/profs/puarticles/adrreport.htm> There is enough evidence to suggest that saying this is safe for children is misleading

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(e);

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 was misleading as it claimed the vaccine is safe for children.

The Chair said the likely consumer takeout of the advertisement was it promotes the Government's rollout of the COVID-19 vaccine to parents who are considering whether to vaccinate their children.

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 website advertisement included the *Unite Against COVID-19* logo and the *Te Kāwanatanga o Aotearoa | New Zealand Government* logo which has been used through the vaccination programme. The advertisement promotes the rollout of the COVID-19 vaccination for children.

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

[Datasheet](#), 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.