

COMPLAINT NUMBER	22/141
ADVERTISER	New Zealand Labour Party
ADVERTISEMENT	New Zealand Labour Party, Facebook
DATE OF MEETING	9 May 2022
OUTCOME	Decline to Adjudicate

Summary of the Chair's Decision

The Chair declined to adjudicate the complaint.

Description of Advertisement: The Facebook post by the New Zealand Labour Party promotes the Three Waters reform. The graphic shows a children's sippy drink bottle divided into two halves, with one half showing dirty water and the other clean water. Text on the graphic states "Our Three Waters reform will ensure Kiwi water is safe for everyone to drink". The accompanying caption emphasises the benefits of the policy, improving public trust in the water, protecting it from privatisation and saving families up to \$9000 a year in rates and water bills.

Complaint: The Labour Party is claiming that their proposed Three Waters Reform will save families up to \$9000 a year. This is a misleading representation of the Government's own analysis. The \$9000 figure they're referring to is from the Water Industry Commission for Scotland (WICS), which was their worst case scenario for water costs a year by 2051 under the status quo where councils retain operation of these assets.

The best case for costs by 2051 with the Three Waters Reform, dependent on location, was \$800 per year. Taken together, that would make the largest possible saving possible for families being \$8200, some \$800 a year less than what the Labour Party has claimed. <https://www.dia.govt.nz/three-waters-reform-programme-frequently-asked-questions>

The WICS analysis itself actually makes its business case by using average costs by 2051 to compare status quo versus Three Waters Reform scenarios. Under the current proposal, that average saving would equate to just \$2260 per year (page 101 of this slide pack "Comparing the net present cost and average household bills post-amalgamation to councils as stand-alone entities (scenario 25) [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/wics-supporting-material-3-costs-and-benefits-of-reform.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/wics-supporting-material-3-costs-and-benefits-of-reform.pdf))

At a minimum, the Labour Party has overstated the maximum possible savings by \$800 a year. More realistically though, they have gone for the least likely outcomes modelled by WICS to overstate the likely saving by several times.

Information from the Advertiser

The Advertiser confirmed the content was not paid advertising and was an organic post on the New Zealand Labour Party Facebook page.

ASA Guidance on election advertising

The Chair referred to the [ASA Guide on Election and Referenda Advertising](#) from 2020 which states in part the ASA deals with "complaints about paid election advertising in media not

covered by the [Broadcasting Standards Authority Election Programmes Code](#) ... The ASA will decline to adjudicate on complaints about posts on branded social media pages (referred to as organic posts) or websites from political parties, candidates, and election-related advocacy groups.” This includes Facebook, Instagram, Twitter, YouTube, TikTok etc.

Chair’s Ruling

The Chair noted the ASA runs a voluntary codes and complaints process within the framework for legal advertising and its focus is on paid advertising from political parties and related organisations.

In making this change for the 2020 general election, the [ASA Guide on Election and Referenda Advertising](#) said:

“Context is a key part of assessing a breach of the advertising codes. In an election year, if consumers choose to visit or follow websites or branded social media pages from political parties, candidates, and election-related advocacy groups, they need to be aware the content is presented from a particular perspective and should be viewed in that context. This content may also be shared with them by people they know, but that is outside the control of advertiser.

The ASA encourages all advertisers to refer to the Advertising Standards Codes to support responsible advertising when developing advertisements.”

The Chair confirmed the Facebook post was organic content on the Labour Party Facebook page, and not paid placement.

In accordance with the ASA policy for election advertising, the Chair declined to adjudicate the complaint.

Chair’s Ruling: Decline to Adjudicate

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.