

<b>COMPLAINT NUMBER</b>	22/145
<b>ADVERTISER</b>	Hobson's Pledge Trust
<b>ADVERTISEMENT/S</b>	Hobson's Pledge, Print
<b>DATE OF MEETING</b>	16 May 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** Two Hobson's Pledge advertisements were published in the May 4th edition of the New Zealand Herald.

Advertisement 1: The first advertisement appeared at the foot of the front page of The New Zealand Herald. The advertisement uses the theme of the Star Wars franchise (May 4<sup>th</sup> is Star Wars Day). The graphic shows four Labour Ministers and the Beehive clustered together, backlit by a red and blue glow. Rt Hon Jacinda Ardern's face is shown beside this, partially covered by a hood. Text on the image states "Democracy Wars", "Attack on the votes", with smaller text explaining that "the democratic rights of New Zealanders are under attack from the Empire (Government)". The bottom of the advertisement discloses, "Authorised by Hobson's Pledge Trust, www.hobsonspledge.nz". The Hobson's Pledge logo is also visible in the top left corner.

Advertisement 2: The second advertisement is a full-page image within the newspaper. It includes the same graphic of the four Labour Ministers and the Beehive clustered together, backlit by a red and blue glow. Prime Minister Rt Hon Jacinda Ardern's face is shown above, partially covered by a hood. A title on the image states "Democracy Wars", "Attack on the votes", with smaller text explaining that "the democratic rights of New Zealanders are under attack..." through a recent bill pushed by Labour and other policies such as Three Waters, the Māori Health Authority and the He Puapua programme. The bottom of the advertisement discloses, "Authorised by Hobson's Pledge Trust, www.hobsonspledge.nz". The Hobson's Pledge logo is also visible in the top right corner.

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

**Complaint:** This is an extremely strong complaint about the two adverts placed by Hobson's Pledge Trust in the May 4 edition of the NZ Herald. The first advert is at the foot of page A3 and the second, full page on A13. The treatment of the images of Labour Party politicians sends a message of overt racism and misogyny. I particularly object to the depiction of the Prime Minister as an evil overlord.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), 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.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

**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.

### **About Advocacy Advertising**

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

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.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

### **About this complaint**

**The Chair** acknowledged the Complainant's concern that the depiction of Labour MPs in the advertisements is racist and misogynistic.

The Chair confirmed the identity and position of the Advertiser was clear in both advertisements. She noted text at the bottom of each advertisement stating the advertisement was authorised by Hobson's Pledge Trust and providing the URL [www.hobsonspledge.nz](http://www.hobsonspledge.nz). The Hobson's Pledge logo is also shown in the top corner of each advertisement. In terms of the Advertiser's position, the Chair said the imagery and text was sufficient to communicate the Advertiser's position against current policies of the Labour Government. The advertisements complied with the identity requirements of Rule 2(e).

The Chair confirmed the advertisements were advocacy advertisements from an organisation opposed to Government policies including Three Waters and the establishment of the Māori Health Authority. The Chair noted these policies were current matters of public debate and robust views from different perspectives had been published and reported.

The Chair observed that in a free and democratic society, issues should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations.

The Chair said the Star Wars theme was used to highlight key Ministers with the Prime Minister, their leader, portrayed as the "villain" in the scenario. She said the race and gender of the members depicted were incidental to the message. Rather, she said, the Labour Ministers featured in the advertisement were responsible for implementing the policies

objected to by Advertiser. She said the Advertiser was entitled to express their opinion and had met the requirements for advocacy advertising set by the Advertising Standards Code. In the Chair's view, the advertisements were unlikely to cause serious or widespread offence to most consumers.

The Chair said in the context of advocacy advertising, the advertisements had been prepared with a due sense of social responsibility and did not meet the threshold to breach of Principle 1, Principle 2, or Rules 1(c) or 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to 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](http://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.