

<b>COMPLAINT NUMBER</b>	22/152
<b>ADVERTISER</b>	The Royal New Zealand College of General Practitioners
<b>ADVERTISEMENT</b>	The Royal New Zealand College of General Practitioners, Facebook
<b>DATE OF MEETING</b>	23 June 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The website of the Royal New Zealand College of General Practitioners (RNZCGP) contains a PDF document titled, "Vax Facts". The one-page document contains seven statements about COVID-19, including statistics about the worldwide mortality rate, the transmissibility of the virus, the risks for unvaccinated people, and the safety of the vaccine. The RNZCGP logo is shown at the bottom of the page.

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

**Complaint:** 1 Over 10 million have not died FROM the virus. However many have died WITH the virus. Breach of principle 1(g), 2(a), 2(b), 2(c)  
2 "Deadly" when used by the Royal College in a publication implies a significant death rate. What is the death rate FROM covid compared to other medical conditions? Breach of principle 1(g), 2(b)  
3. see point 2 above, but further induces fear without the context of the survival statistics.  
4. At the very least this statistic should be sourced, but is likely to breach principle 2.  
5. Peer review published study from Harvard that confirms the mRNA can be found in lymph nodes up to 60 days, the study did not look past 60 days. The Pfizer list of known adverse events (over 1100) confirms it does not stay at the injection site. Breach of principle 2.  
6. At the very least this claim should be sourced, but is likely to breach principle 2.  
7. Again misleading, Paracetamol and contraception pills are prescribed with specific guidelines for quantity and timeframe. Can the college show deaths from Paracetamol and contraception pills when dosages are within the prescribed limits? By comparison, deaths have occurred from the vaccine within the prescribed dose.

**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** noted the Complainant was concerned the advertisement contained misleading information.

The Chair began by assessing whether the ‘Vax Facts’ infographic subject to complaint is considered advertising under the Advertising Standards (ASA) definition of Advertising and Advertisement:

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.”

The Chair noted the Royal College of General Practitioners had been contacted for comment on jurisdiction and said the Vax Facts poster had been developed for their members, who are New Zealand GPs and rural hospital doctors, to download to give to patients if they considered it useful. They said it was not intended to influence the choice, opinion or behaviour to whom it was addressed because it was addressed to their members who are all medical specialists.

The Chair also noted the text from the Royal College of General Practitioner’s website which accompanied the Vax Facts poster.

“We’ve developed ‘vax facts’ A4-sized infographics that can be printed and used within your practice as handouts, displayed as posters, or on social media. The infographics can be printed with your own printers, or sent to a local print shop (if you’d prefer the colour version) and provide good content to use as conversation starters for vaccine hesitant people. Please share them widely.”

The Chair said the Facebook advertisement and the distribution message associated with poster on the Royal College of General Practitioner’s website meant that it did fall within the definition of an advertisement, given the potential reach of the material to a wide audience. The Chair said the content was advertising and could be considered by the Advertising Standards Authority.

### **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 confirmed the advertisement was advocacy advertising under the Advertising Standards Code and the Advertiser's identity and position was clear. The poster advertisement included The Royal New Zealand College of General Practitioners name and logo. The advertisement provides information the organisation wants to impart about COVID-19 to help its members open conversations about the vaccination campaign.

The Royal New Zealand College of General Practitioners (the College) is the professional body and postgraduate educational institute for general practitioners. The College is an advocacy organisation. For example its website states that it represents members' views with government and health sector organisations on issues relating to general practice, the health system and the health of New Zealanders.

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 noted the ASA had taken the position in previous precedent decisions surrounding the COVID-19 debate that the broad public health implications of the pandemic at a population level meant the rights of the society as a whole carried more weight than the rights of individuals. The Chair confirmed this approach also applied to the assessment of this advertisement based on the Principles in the Advertising Standards Code, which are the requirements for social responsibility and truthful presentation.

The Chair said the advertisement was created by a professional body and educational institute. It was intended as a resource to assist its members who are front line medical professionals to consult with their patients who may have questions about the COVID-19 vaccination campaign.

The Chair took into account the Vax Facts advertisement had been prepared by experienced medical professionals, in support of the nationwide vaccination programme to help minimise the risk of serious cases of COVID-19 in the community.

The Chair said in the context of advocacy advertising and taking into account context, medium audience and product, the advertisement did not meet the threshold to breach of Principle 1, Principle 2, or Rule 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.