

COMPLAINT NUMBER	22/172
ADVERTISER	Labour Party
ADVERTISEMENT	Labour Party, Unaddressed Mail
DATE OF MEETING	20 June 2022
OUTCOME	No Grounds to Proceed

Advertisement: The NZ Labour Party brochure is titled, 'Here's how BUDGET 2022 WILL HELP YOU with the cost of living'. The brochure lists key points of the 'Cost of Living Package', such as a short-term cost of living payment and extending the 25c per litre reduction on fuel, to "ease financial pressure on Kiwis". The brochure contains graphs and news headlines which highlight a positive outlook on the economy.

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

Complaint: This is a Labour Party advertisement should not be tax payer funded under a guise as Budget 2022 information as it quotes data from SatsNZ for Q4 2021. It contains part facts, misleading and misrepresentation of statements by reprinting headlines by 1News and RNZ. It intentionally provides no basis that a UK free trade deal is "worth up to \$1 Billion" or factual data supporting "wages rise" and an unemployment rate that is inconsistent to not include unemployed people who are on an alternative "job seeker" benefit, nor was there any action taken against supermarkets.

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

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be 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 noted the Complainant was concerned the Labour Party 2022 budget advertisement was misleading by using statements about statistics from 2021 and reprinting media headlines without substantiation.

The Chair confirmed the identity and position of the Advertiser was clear. She noted the advertisement included the Labour Party logo, website labour.org.nz/budget2022, and a QR code. The advertisement also contained an authorisation statement from Rt Hon Jacinda Ardern, MP, the leader of the Labour Party. The Chair said the imagery and text was sufficient to communicate the Advertiser’s position on how the Labour Government considers its 2022 budget will help with the cost of living. The Chair said the advertisement complied with the identity requirements of Rule 2(e).

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 confirmed the ASA’s jurisdiction related to the content and placement of the advertisement. It did not have jurisdiction about how it was funded.

The Chair said the advertisement was clearly a political advertisement from the Labour Party about its budget policies presenting information related to the 2022 Budget. She noted sources were included for the graphs. The Chair said in her view, the advertisement was unlikely to mislead consumers, who would understand the context of the political advocacy advertisement which by its very nature will present the Advertiser’s perspective.

The Chair said in the context of advocacy advertising, the advertisement did not meet the threshold to breach Principle 2, or Rules 2(b) 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. 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.