

COMPLAINT NUMBER	22/170
ADVERTISER	NSL Project
ADVERTISEMENT	National Sunday Law, Unaddressed Mail
DATE OF MEETING	11 July 2022
OUTCOME	No Grounds to Proceed

Advertisement: The commemorative National Sunday Law booklet presents a religious perspective from the author Jan Marcussen. The booklet interprets quotes and prophecy from the bible and discusses topics such as the books of Daniel and Revelation and worshipping on a Sunday. The last page of the booklet contains the distributors name, NSL Project, as well as an email address and phone number.

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

Complaint: On 28/05/2022, I found an unaddressed book in my mailbox by the title "National Sunday Law". There are at least two clearly visible "no junk mail" and "addressed mail only" stickers on the outside of the letterbox - it is evident that these were ignored.

I suspect that these books are being distributed by Ovato NZ, as it had been shown in March 2021 that Ovato were sending these books to their delivery employees for their circular runs (Source: <https://www.stuff.co.nz/national/124465378/mother-disgusted-11-year-old-daughter-being-asked-to-deliver-extreme-religious-publication-on-paper-round>)

The book is a reprint of "National Sunday Law" by author A. Jan Marcussen. The contents of the work inside the book has mostly been regarded online as having extremist views and, in general, being a conspiracy theory / propaganda. (Source: reviews at https://www.goodreads.com/en/book/show/1958868.National_Sunday_Law#other_reviews)

I take issue first with the book being put in my letterbox despite my no junk mail signs, and second with the contents of the book itself.

It is my belief that the distribution of this book is a problem because those receiving it may be vulnerable to the extreme viewpoint it provides, especially during a time where disinformation is more widespread than it ever has been.

The contact information within the book gives two contacts:

NSL Project (Email): nslproject.org@gmail.com

A mobile number: 021 182 0143

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

Is the booklet an advertisement?

The current ASA definition of advertisement states: "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 agreed that although the advertisement was in the form of the booklet, it was still an advertisement and the Advertising Standards Code applied. This is because the booklet met the definition of an advertisement as the content was controlled by the Advertiser and had the intent of influencing those to whom it is addressed. It also contained a call to action to order more copies of the booklet in order to spread the distribution of the publication further.

About this complaint

The Chair acknowledged the Complainant's concerns about the advertisement's extreme viewpoint and its unsolicited delivery.

The Chair said the booklet style advertisement presents the Advertiser's opinion about teachings in the bible, particularly the Revelation prophecies. In advocacy advertising, under

the Advertising Standards Code robust opinions are permitted. The Chair said the identity of the Advertiser, NSL Project, is listed on the back of the booklet and it includes a telephone number and email address which meets the identification requirement under Rule 2(e) of the Code

The Chair said the content in the advertisement represented the views of the author and the distribution organisation and was permitted under the rule for advocacy advertising. The Chair acknowledged the Complainant's sincere concerns about the advertisement and the views expressed by the Advertiser, however expression of opinion in this context was allowed under the Code and provided for in the Bill of Rights Act.

The Chair noted the Complainant had expressed concern about receiving the booklet in their letterbox when they had signage requesting "no junk mail". The Chair confirmed this matter was outside the ASA's jurisdiction.

The Chair said the religious advocacy advertisement was not in breach of Principle 1, Principle 2, or Rules 1(c), 2(b) and 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.