

<b>COMPLAINT NUMBER</b>	22/195
<b>ADVERTISER</b>	Te Whatu Ora/Health New Zealand
<b>ADVERTISEMENT</b>	Vaccinate for Life, Print
<b>DATE OF MEETING</b>	9 August 2022
<b>OUTCOME</b>	Upheld Advertisement to be removed and/or not used again in its current form

### Summary of the Complaints Board Decision

The Complaints Board upheld 29 complaints about a Te Whatu Ora/Health New Zealand print advertisement which included the text "Protect them for life. Immunise. COVID-19 vaccinations available for tamariki now". The Board said the advertisement was misleading because it implied if you vaccinate your child against COVID-19, this could protect them for life, meaning for the rest of their life.

### Advertisement

The Te Whatu Ora/Health New Zealand (Ministry of Health – Manatū Hauora) print advertisement shows four images of children interacting with parents/caregivers, a child being vaccinated, a father and child walking on the beach, a father and daughter doing a high five and a mother giving a thumbs up to her son. The wording states: "Protect them for life. Immunise. COVID-19 vaccinations are available for tamariki aged 5-11. To make a booking for your whanau or find a walk-in centre visit [BookMyVaccine.nz](https://www.bookmyvaccine.nz) or call 0800 28 29 26." The advertisement includes the New Zealand Government and Ministry of Health logos.

### Summary of the Complaints

There were 29 complaints about this advertisement. The Complainants were concerned the advertisement was misleading because it said "Protect them for life. Immunise against COVID-19". The Complainants said there is no "life-long" protection from a COVID-19 vaccine, as implied by the advertisement. Some Complainants were also concerned the use of the word "immunise" was misleading.

Copies of the complaints are in Appendix 1.

### Issues Raised:

- Social responsibility
- Truthful presentation
- Advocacy advertising

### Summary of the Advertiser's Response

The Advertiser defended the advertisement and said the tagline "Protect them for life. Immunise." refers to the immunisation programme as a whole-of-life programme. The campaign was developed to cover the concept of childhood immunisations and was not specific to a single vaccine but provides overarching messaging which could be used as and when required, for example for MMR, polio, COVID-19, HPV or whooping cough vaccines.

The Advertiser said the phrase "Protect them for life. Immunise" was developed to have a dual meaning. The word 'life' can be the time between being born and death, or the experience of being alive.

A copy of the Advertiser's full response is in Appendix 2.

### **Summary of Media responses**

The News Publishers Association (NPA) supports the decision of the Complaints Board and noted earlier complaints with regard to the same statement were not upheld.

Are Media said they will require its client to amend creative, if necessary, before running advertisement again.

NZME defers to the Advertiser substantive response

Copies of the full responses from the Media are in Appendix 3

### **Relevant ASA Codes of Practice**

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

#### **ADVERTISING STANDARDS CODE**

**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.

### **Relevant precedent decisions**

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 22/156 which was ruled No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 22/156** concerned a Ministry of Health – Manatū Hauora television advertisement promoting immunisation for children. It showed several scenarios in which parents or caregivers take care of their children: applying their sunscreen, giving them mouthguards for sport, teaching them a martial art and gifting a taonga. The last scenario showed a child receiving a vaccine. The text on the screen said "Protect them for life. Immunise." Below this were the New Zealand Government and the Ministry of Health – Manatū Hauora logos.

The Complaints Board said the advertisement was not misleading. The Board said the text "Protect them for life. Immunise" was designed to encourage parents and caregivers to take steps to protect the children in their care, to prepare them for life. This protection includes giving them childhood immunisations. The Board did not agree with the Complainants that the likely consumer takeout of the advertisement was that immunisations will last for the duration of a child's life. The Board noted that the advertisement did not include any direct reference to vaccination against COVID-19.

**Decision 21/224** concerned an advertisement a Ministry of Health - Manatū Hauora television advertisement which showed various people saying how they plan to fight the virus. The

advertisement directs messages to the virus such as “COVID, you’re gone”, “Ka Kite, COVID” and “We’re getting immunity”. There were 24 Complainants who raised a number of issues about the advertisement. One of the issues was that the word immunity was misleading because the vaccine does not provide immunity from COVID-19.

The Chair of the Complaints Board said most people would consider this to be a reference to the protection the vaccination can offer as part of the Government’s strategy in response to COVID19.

The Chair noted the Ministry of Health’s position that immunity is about how well the body responds to harmful infections. The Chair noted information that confirmed the Government’s vaccination plan is aimed at teaching an individual’s immune system to recognise an infectious disease so that when exposed to that disease the immune system can fight it off. The Chair said the use of the word “immunity” was not misleading in the advertisement.

The Chair confirmed the efficacy of the vaccine was not a matter for the ASA. The Chair of the Complaints Board ruled there were no grounds for the complaints to proceed.

### **Complaints Board Discussion**

The Chair noted that the Complaints Board’s role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
  - Context: COVID-19 pandemic and concern about lower childhood immunisation rates due to the impact of the COVID-19 pandemic
  - Medium: Print
  - Audience: Readers of newspapers with an intended audience of parents and caregivers
  - Product: Advocacy for childhood COVID-19 immunisation

In considering the advertisement and the complaint before them, the Complaints Board noted the rapidly evolving nature of the COVID-19 pandemic. Taking these exceptional circumstances into account, they confirmed they would take a higher-level approach to the assessment of this advertising, based on the Principles in the Advertising Standards Code which are the requirements for social responsibility and truthful presentation in responsible advertising.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement, particularly for those not familiar with the campaign, was to protect children for life (meaning their lifetime) by giving them the COVID-19 vaccine.

#### *Advertisement is Part of an Immunisation Campaign*

The Complaints Board acknowledged the advertisement was part of a Te Whatu Ora/Health New Zealand immunisation campaign. The campaign included a range of advertisements promoting immunisation using different media, including print, out of home, mobile phone and television advertising. In some cases, the advertisements referred to immunisation in general, and in others, the advertisements related specifically to vaccination against COVID-19 or flu.

The Complaints Board noted that while the advertisement before it was part of a wider campaign promoting immunisation for children, there is no guarantee the consumers will be familiar with the campaign messaging and therefore each advertisement is assessed on its own merits, as a stand-alone advertisement.

*Was the advocacy advertisement adequately identified?*

The Complaints Board agreed the advertisement met the identity requirements of Rule 2(e) of the Advertising Standards Code. This is because the identity and position of the Advertiser were adequately identified. The advertisement showed the New Zealand Government and the Ministry of Health – Manatū Hauora logos. It also included the text "Protect them for life. Immunise. COVID-19 vaccinations available for tamariki now".

The Complaints Board agreed that the Court of Appeal in *Electoral Commission v Cameron* [1997] 2 NZLR 421 ("the *Cameron* decision") was relevant as Te Whatu Ora/Health New Zealand is an expert body with regard to their statutory role in educating the public about health matters.

*Was the advertisement likely to mislead or confuse consumers?*

The Complaints Board noted the comment from the Advertiser that the phrase "Protect them for life" could have a dual meaning, it could mean protect them for "life" as in the time between being born and death, or "life" the experience of being alive, vaccinate to improve the life of your child.

The Complaints Board unanimously agreed that despite the Advertiser's intent, the "Protect for Life" message in the advertisement was likely to mislead or confuse consumers. The Board said this was because the advertisement only contained still images of some scenes which had appeared in the television advertisement together with the lines "Protect them for life", "Immunise" and the call to action and details on how to book a COVID-19 vaccination. The Board said the advertisement did not have the wider context of the television advertisements which showed more clearly children being protected by parents or caregivers in different aspects of their lives. The Board agreed the images in the advertisement were not sufficient to convey the message of children being protected to help them live their lives.

The Complaints Board said the first meaning, protect them for "life" - the time between being born and death, did not apply in this case because COVID-19 vaccinations do not provide protection "for life". The Board said the ambiguity about the correct interpretation of the phrase "Protect them for life" was confusing for consumers, especially in the context of a public health advertisement during the COVID-19 pandemic where multiple vaccinations had been required and the vaccination process was on-going.

The Complaints Board considered the application of *Cameron* in its decision. The Board said the role of the Ministry, Te Whatu Ora/Health New Zealand, as an expert body did not save the advertisement from being misleading because of the specific call to action to parents to vaccinate their children against COVID-19. The Board said the fact the advertisement was directed at parents and caregivers was an important point given that this group carries the responsibility for making decisions about how best to protect the health and wellbeing of their children.

The Complaints Board noted some Complainants were concerned the use of the word "immunise" was also misleading given how the COVID-19 vaccine works. The Board said the likely consumer takeout of "immunise" would be that the vaccine teaches an individual's immune system to recognise an infectious disease so that when exposed to that disease the immune system can fight it off. The Complaints Board did not consider this element of the complaints to be misleading.

*Was the advertisement prepared and placed with a due sense of social responsibility to consumers and to society?*

The Complaints Board said the advertisement had not been prepared and placed with a due sense of social responsibility to consumers and to society, taking into account context, medium, audience and product. This is because the advertisement was likely to be misleading or confusing to consumers due to the lack of context for the statement “Protect them for life”.

The Complaints Board said the advertisement was in breach of Principle 1 and Principle 2 of the Advertising Standards Code.

### **Outcome**

The Complaints Board ruled the complaints were **Upheld**

Advertisement to be removed and/or not used again in its current form.

### **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.

## APPENDICES

1. Complaints
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

## COMPLAINTS

### COMPLAINT 1

The ministry of Health (MOH) ran an ad with photos of children and their parents. Below the photos the ad says 'Protect them for life. Immunise'. Below this it says, 'Covid-19 Vaccinations are available for tamariki aged 5-11.' I believe this ad breaches the Advertising Standards Code. It breaches Principle 2: Truthful Presentation, part 2(b) Truthful presentation and part 2(e) Advocacy Advertising. It breaches 2(b) in several ways. The ad says 'Protect them for life. Immunise'. Immediately below this it says 'Covid vaccinations are available for tamariki aged 5-11.' This is likely to mislead, deceive and confuse parents into thinking that their child will be protected for life from Covid-19 if they get them vaccinated. Yet this is incorrect. I do not believe that the Ministry of Health hold evidence to substantiate this claim. The Ministry of Health should not be claiming lifelong immunity to Covid-19 for children through vaccination when there is significant division of informed and scientific opinion in regard to the vaccines providing any immunity, let alone life long. The ad breaches 2(e) in several ways. 2(e) states that 'opinion in support of the advertiser's position must be clearly distinguishable from factual information.' The statement in the ad of 'Protect them for life. Immunise.' is opinion in support of the Ministry of Health's agenda to vaccinate as many children as possible. The statement 'Covid-19 Vaccinations are available for tamariki aged 5-11' is factual information. By these statements being stacked, opinion is not clearly distinguishable from factual information. The ad thus breaches 2(e) of the advertising standards code. Secondly 2(e) says that 'factual information must be able to be substantiated.' I do not believe that the MOH has evidence to substantiate that Covid-19 Vaccination protects children at all, let alone for life. This is another breach of 2(e) .

### COMPLAINT 2

This ad consists of several photos of children and their parents. Below these photos it says 'Protect them for life. Immunise.' Below this it says 'Covid-19 vaccinations are available for tamariki aged 5-11.' I believe that this Ad breaches the Advertising Standards Code (ASA) . Specifically, it breaches Principle 2: Truthful Presentation, parts 2(b) Truthful Presentation and 2(e) Advocacy Advertising. It breaches 2(b) in a several ways. The ad implies to parents that if their child receives Covid-19 vaccinations they will be protected against Covid for life. Yet the Covid-19 vaccinations have been proven to not prevent an individual (including children) from catching or transmitting Covid-19. Thus a Covid vaccinated child will hardly be protected, let alone for life. Therefore this ad will mislead, deceive and confuse parents as to the efficacy of the Covid-19 vaccine/s. Secondly it breaches 2(e) in several ways. 2(e) states that 'opinion in support of the advertiser's position must be clearly distinguishable from factual information.' The statement regarding Covid vaccinations being available for tamariki aged 5-11 is directly below the statement 'Protect them for life. Immunise'. The statement regarding Covid vaccinations being available for children aged 5-11 is fact. However the statement 'Protect them for life. Immunise' is opinion. The opinion should be clearly distinguishable from the factual information. Yet it is not. 2(e) also states that 'factual information must be able to be substantiated' . The ad conveys that Covid-19 vaccination will protect a child against Covid-19 for life. However there is not evidence to support this.

**COMPLAINT 3**

PROTECT THEM FOR LIFE, IMMUNISE There is no evidence to show that a covid vaccination gives lifetime protection from covid

**COMPLAINT 4**

The advertisement promotes blatantly false information that the Covid 19 vaccination immunises a child for life. "Protect them for Life Immunise" This is outright misinformation and needs to be retracted immediately and the truth promulgated. The FDA, CDC and the MOH themselves state these so called vaccines do not stop infection or transmission and wane over a very short period of time.

**COMPLAINT 5**

I'm writing to complain about your advert promoting the 5-11 covid-19 child vaccine. This was printed on the 16/06/22 by the western-leader/46088 The words "Protect them for life. Immunise" is at its best misinformation. As you know the vaccine does not last for life. You would be lucky if it lasted 3 months. The advert gives the impression that once vaccinated the child is protected for life which is total misinformation and lies. As the government is trying to stop misinformation it should look at its own house first.

**COMPLAINT 6**

The large letters give the message "Protect them for life. Immunise." This is clearly false messaging. Whatever protection from Covid 19 that the Pfizer injection provides, rapidly decreases over time. This is fully acknowledged within the government's own Covid vaccination strategy, with the claimed need for all vaccinated people to get 'boosted'. To say "Protect them for life" directly implies a lifelong protection, which is simply not the case (unless they mean protected as long as you have another booster every 6 months for the rest of your life...). When I buy a helmet for protection in forestry, the makers/sellers of the helmet could not say that the helmet will "Protect me for life", as the helmet must be replaced every few years (as they deteriorate). It would be fraudulent for it to be advertised as "protecting me for life". Now it may be that the writers of the ad meant it as simply a 'play on words' (get protected so you can carry on with life). But the other, literal meaning (lifelong protection), must also be true, or else the text is a fraudulent claim. Secondly, the advertisement is misleading/gives false information, with the claim that to 'immunise' will give protection from Covid. Again, based on the current data from the Ministry of Health's own reporting (<https://www.rnz.co.nz/news/in-depth/450874/covid-19-data-visualisations-nz-in-numbers>), of all the people who have DIED with Covid in NZ, WELL OVER HALF HAVE BEEN VACCINATED AND BOOSTED. And from the same source, of all the current hospitalisations with Covid, the VAST MAJORITY are either 'fully vaccinated' or vaccinated and 'boosted'. It is simply false to claim that the vaccination will "protect them", when clearly by the government's own data, vaccinated and boosted people are sick and dying with Covid. Any other product that performed as poorly, in contrast to what advertisers claimed, would have to be withdrawn. If I put on sunblock that is claimed to "give me protection", and I still get badly sunburnt (even when following the manufacturer's use guidelines) then the sunblock would no longer be able to be advertised and sold as sunblock. I realise that it is difficult for the ASA to make a judgement on the government's health strategy and current position on a 'controversial' topic. You cannot contradict the government's own health experts. But you can challenge their misleading advertising, and this egregiously misleading advert needs to be called out.

**COMPLAINT 7**

Given the UKHSA has published very clear data on the rapidly waning efficacy of the Covid 19 vaccines after a matter of weeks and seeing that this fact is recognised here is NZ (hence the need for third, fourth and for some people 5th vaccinations already. ) I find "Protect them for life" to be a deliberately misleading and misinforming statement. Even if this is intended to be a play on words, the reader could plausibly interpret this as their child will be protected for

life (as with other childhood vaccines). This needs a footnote at the least or to be withdrawn with immediate effect.

### COMPLAINT 8

I am concerned about the false implication being made by the statement "Protect them for life" in relation to the Covid-19 vaccination. I am aware that "Protect them for life" is a slogan commonly used by the Ministry of Health when advertising the NZ Immunisation Schedule however this ad is specifically for the Covid-19 vaccination. It is well documented that efficacy and immunity from the C-19 vaccination starts to wane after 3-6 months but this advertisement is clearly implying that children will be protected from Covid for life if immunised with the C-19 vaccine. This is more than misleading; it is inaccurate information and false advertising.

### COMPLAINT 9

The advertisement breaches Rule 2 (b) Truthful presentation. The advertisement misleads or is 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. The claims are not obvious hyperbole. The misleading claims are: 1- "Protect them for life" - a natural reading is that what they call the 'COVID-19 vaccinations' protect them for their whole life. An alternative reading could be that they are protected for living their life but the natural reading would be protected for their whole life. The products do not protect them for life and come nowhere near meeting the threshold of such a statement. This goes for all people but even more so for 5-11 year olds. 2- "Immunise" - The products do not impart immunity. A fair reading would suggest that "Immunise" means they provide immunity. Although words such as vaccination and immunisation are frequently conflated and used interchangeably this has come about primarily because vaccination has previously at least ostensibly conferred immunity. These products do not.

### COMPLAINT 10

The statement "Protect them for life. Immunise." is erroneous in the least and by Pfizer's own document which outlines concerns, it is liable. There is sufficient information that suggests that protection from the vaccine wanes after a few months and for some people it is weeks. BNT162b2 Risk Management Plan February 2022 PFIZER CONFIDENTIAL Page 1 COMIRNATY (COVID-19 mRNA VACCINE) RISK MANAGEMENT PLAN BNT162b2 Risk Management Plan February 2022 CONFIDENTIAL Page 100 Table 51. Summary of Safety Concerns Important Identified Risks - Anaphylaxis Important Potential Risks - Vaccine-associated enhanced disease (VAED) including Vaccine-associated enhanced respiratory disease (VAERD) Missing Information Use in pregnancy and while breast feeding Use in immunocompromised patients Use in frail patients with co-morbidities (e.g., chronic obstructive pulmonary disease [COPD], diabetes, chronic neurological disease, cardiovascular disorders) Use in patients with autoimmune or inflammatory disorders Interaction with other vaccines Long term safety data [https://www.ema.europa.eu/en/documents/rmp-summary/comirnaty-epar-risk-management-plan\\_en.pdf](https://www.ema.europa.eu/en/documents/rmp-summary/comirnaty-epar-risk-management-plan_en.pdf)

Pfizer stated concerns about the efficacy of the Covid vaccine in a document to the USA Securities and Exchange Commission alerting them to a possible drop in profit in future with declining vaccinations. It is my opinion that the whole page advertisement is misleading at best and misinformed and liable at worst. Parents who want to do the best for their children could be coerced by such advertising. No one or no thing can protect a child for life and this vaccination cannot be claimed to do that.



**COMPLAINT 11**

I object to the material on the basis that the advert is promising something that it scientifically untrue. It also implies something also statistically very unlikely: thus creating fear, and using this for a greater uptake of its products. The Headline 'Protect them for life' is a two fold concern. It implies the covid vaccine offers life-long protection (it offers, at best 3 months) and scientific evidence shows it does not necessarily protect from getting sick from, or passing on, the virus covid. (Both facts from the Ministry of Health website) Yet the headline makes the outrageous claim that this is 'lasting' (even lifelong) protection from covid. Even if the word 'life' in the headline is to be interpreted in a 'lifestyle' or 'health', then this does not account for the fact immunised children can still get sick. Also 'life' seems to at best promise they will not be able to participate in life to its fullest without vaccination, at worst, that they are risking death if they are unvaccinated. ALL possible interpretations of this headline are false. Especially and categorically for the age-group they are mentioning (aged 5-11). Ages 5-11 are in the lowest possible category of severe infection. If this were for a similar commercial health product (example a vitamin), it would absolutely have to backup its claims with lifelong health benefits or specific absolute risk to the individual in order to make these claims. This advert has neither. It also depicts children enjoying sports and the outdoors, play centres and or schools as if immunisation provides the 'gateway' or ability to attend these events - This is again strictly untrue in every instance. I totally support community health and the wellbeing of children, but this promises benefits from a vaccine that does NOT deliver the promises it makes. Which makes me ask the question, why would you use this type of headline 'Protect them for life'? Protect them for at least six months could be argued. Protect our children against Covid could possibly be argued, but less so on the basis of how little severe covid illness there is in this age group. Therefore, they advertisers are displaying a desire to exaggerate the claims, not for better or more accurate advertising, but for more 'uptake' which is both cynical and misleading. I also object on the fear or perception of not being able to lead a 'normal' healthy life without covid immunisation. We have all been subject to fear over the covid virus, and if the Ministry of health wishes to make a health claim, it should be self-evident and not resort to exaggeration or coercion.

**COMPLAINT 12**

False advertising of a dangerous substance being aggressively pushed onto the population by criminals, supported by a stupid and compliant populace. "Immunise" is not what these substances do. Anyone who has studied vaccines knows this. There is no protection offered by these substances and massive risk to health. The New Zealand population is headed for a tidal wave of chronic illness, sudden death and auto-immune disorders through these false advertisements and it must STOP. NOW.

**COMPLAINT 13**

totally false headline Protect them for life ... Immunise immunise verb: immunise make (a person or animal) immune to infection, typically by inoculation. No immunity given with this injection, if it gave any immunity we would have no or little covid in NZ for life ? even with boosters people still get infected.

**COMPLAINT 14**

COVID VACCINE does not immunise for life, this is a complete and utter lie in the pursuit of getting children to take an experimental medicine.

**COMPLAINT 15**

The statement "Protect them for Life" is untrue in relation to the COVID-19 vaccinations they are promoting. According to their own government website and data from Pfizer, the truth is that efficacy decreases and is not for 'life' They say on their website: "Current evidence shows your protection against infection after the primary vaccination course decreases over time."  
SOURCE:

<https://covid19.govt.nz/covid-19-vaccines/covid-19-vaccine-facts-and-advice/covid-19-vaccination-your-questions-answered/> The WHO are more honest about this in their FAQ's: "How long does protection from COVID-19 vaccines last? We still don't know exactly how long protection from COVID-19 vaccines lasts, but current data indicates that most people have strong protection against serious illness and death for at least 6 months. There is increasing evidence that the effectiveness of COVID-19 vaccine against infection and mild symptoms can wane over time."

#### **COMPLAINT 16**

Full page advert stating covid 19 will immunise your 5-11 year old children for life

#### **COMPLAINT 17**

This print media from the Ministry of Health is telling straight out lies. Immunisation does NOT give children life long protection at best a few years at worst such as Covid 19 jab 2 weeks then the protection drops to less than 12 %. The ministry of health is lying in their print media & claiming something that is completely incorrect. Please find them & remove this incorrect information ASAP

#### **COMPLAINT 18**

Disgusting to claim this is good for children. Shame on you for advertising this. Keep our kids safe. Do you have kids! They should be protected from the government. The vaccine harms children.

#### **COMPLAINT 19**

The advertisement claims that the Covid vaccine will protect children for life. This is patently untrue. Readily available independent research and statistics show clearly that the vaccine provides limited protection for a few months in children. Moreover, the rate of harm from Covid in children is smaller than the harm from the vaccine itself. It certainly does not "protect them for life". It is totally irresponsible of the Department to imply that it does.

#### **COMPLAINT 20**

Misleading advertisement. The advertised treatment does not provide life long protection from covid-19 for children. Negligence. There is no warning with regards to possible side affects and no advice to seek medical advice prior to taking the treatment.

#### **COMPLAINT 21**

False advertising. The covid 19 vaccine does not confer immunity, nor does it protect one 'for life'. These facts are now well-established and borne out by numerous studies. The advert is especially insidious considering that it is targeted at children, a group to whom covid 19 poses zero risk. However, children can experience debilitating vaccine side effects like myocarditis and neurological disorders which will negatively impact their health in the medium to long term. As a community newspaper, it is incumbent upon you to provide factual information, especially where it concerns the health of others. Please take down this ad.

#### **COMPLAINT 22**

In complaint of the Advertisement in "Western Leader" publication date 16th June 2022 This advertisement claims "Protect them for life. Immunise" 1. What is the definition of the time frame 'life'? 2. Clearly, the "covid 19 immunisation" does not protect them for life, as we see some of our population is already on booster #5. This violates Rule 2 (b) Truthful presentation This is absolutely misleading the public and is deceiving, and is an abuse of trust. It includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise.

#### **COMPLAINT 23**

There has been false advertising regarding the covid 19 vaccinations.

In particular "protect them for life, immunise." This is false as the vaccinations are a trail based vaccinations and they are infective.

Please inform me where to from here and when will these adverts stop.

#### **COMPLAINT 24**

This flyer states/implies the covid-19 vaccination will protect children aged 5to11 yrs for life. There is no current evidence to support this claim, In fact the current evidence disputes this without fault, given the number of adults contracting the virus who are fully vaccinated. This is dangerous false advertising and puts the lives of our children in danger

#### **COMPLAINT 25**

We believe this ad to be criminally false & have requested proof of these claims invoking the OIA from the MOH. Common sense would surely dictate how offensive this attempt to influence the choice of vulnerable parents. However it seems the Wall Street Journal agrees dated 4-7-22 "Vaxcinated toddlers in Pfizer's trial were more likely to get severely ill with covid than those who recieved a placebo" Criminal.

#### **COMPLAINT 26**

This is blatant disinformation intended to mislead the public of the efficacy of the Covid-19 jab, we are yet to be provided any evidence for such a claim. The general public would not be able to make such claims nore should this be acceptable by the public under this corrupt government.

#### **COMPLAINT 27**

This add is completely misleading/misinformation covid 19 vaccination does not offer immunity for life as directly stated by medsafe. This add implies it does.

#### **COMPLAINT 28**

The advertisement is in breach of a number of sections and principles of the Advertising Standards Code. The impression sought to deliver is that the provision of the COVID-19 vaccine will confer an immunisation that is life-long. This is particularly reprehensible for those in the population aged 5-11 who are not able to determine for themselves and are reliant on a clear understanding of the benefits (or otherwise) of vaccination by their carers who need to make this decision on their behalf. Misleading language and not good enough. Action needs to be taken to ensure no recurrence of this and a penalty applied to ensure attention to the message accordingly.

#### **COMPLAINT 29**

##### **MINISTRY OF HEALTH ADVERTISING CAMPAGNE: "PROTECT THEM FOR LIFE"**

1. I refer to the recent Ministry of Health advertising, attached to this letter.
2. This advertising from the department responsible for the health of New Zealanders states that Covid-19 products:

*"Protect them for life. Immunise. COVID-19 vaccinations are available for tamariki aged 5-11."*

3. This statement is not only misleading and deceptive, the Ministry of Health knows it is false.
4. The Ministry of Health whose advertising it is, is:

- a. aware that the effectiveness of the paediatric vaccine against COVID-19 infection was 12% for 5 to 11 year olds (observed during the Omicron wave (13 December 2021 to 30 January 2022)); and
  - b. recommending boosters in immunocompromised children very shortly after the roll out of the C-19 Pfizer product in children.
5. This information and recommendations come from COVID-19 Vaccine Technical Advisory Group (CV-TAG), which is a group within Medsafe headed by Dr George Town: <https://www.health.govt.nz/about-ministry/leadership-ministry/expert-groups/covid-19-vaccine-technical-advisory-group-cv-tag>

***Issue 1: the product is only 12% effective***

6. Dr George Town is aware of and has relied upon a pre-print study by the New York State Department of Health (dated 25 February 2022) found that effectiveness of the paediatric vaccine against COVID-19 infection was 12% for 5 to 11 year olds (observed during the Omicron wave (13 December 2021 to 30 January 2022)).<sup>1</sup>
7. For comparison, most routine childhood vaccines are effective for 85% to 95% of recipients.<sup>2</sup> The nature of childhood vaccines using traditional vaccine technology means children are protected for life with the majority of childhood vaccines.

1 Dorabawila V, Hoefler D, Bauer UE, Bassett MT, Lutterloh E, Rosenberg ES, Effectiveness of the BNT162B2 vaccine among children 5-11 and 12-17 years in New York after the emergency of the Omicron variant, 28 February 2022 (available here: <https://www.medrxiv.org/content/10.1101/2022.02.25.22271454v1>). This article is a preprint.

2 <https://www.fda.gov/vaccines-blood-biologics/safety-availability-biologics/vaccine-safety-questions-and-answers>

8. Of note, a vaccine efficacy of less than 50% fails FDA guidelines for approval especially when the absolute risk reduction is significantly less than 1%.
9. If the paediatric COVID-19 vaccine is 12% effective with Omicron then this is certainly no protection against COVID-19.

***Issue 2: Boosters already?***

10. On 16 December 2021, the C-19 product for 5-11 year olds received provisional consent from Medsafe.
11. On 17 January 2022, the roll out of the C-19 products to this age group commenced.
12. In just over 2 months, the CV-Tag is recommending a booster shot (3rd shot) in immunocompromised children. The fact boosters are being recommended in such close succession to the roll out indicates that the effectiveness of the C-19 products in children is waning very quickly, and therefore clearly does not "protect them for life".
13. The Ministry of Health is approving booster shots, and is decreasing the time between shots, which clearly indicates the efficacy of the C-19 products are waning.
14. The history of booster shots and shortening of the booster interval is descending chronologically as follows:

- On 7 July 2022 a second booster shot (4th shot) in adults was made available <https://www.health.govt.nz/covid-19-novel-coronavirus/covid-19-vaccines/covid-19-vaccine-boosters#additional>
- On 22 March 2022 first booster shot (3rd shot) in immunocompromised children was recommended by CV-Tag [OIA request has been made - link will be provided forthwith]
- On 1 February 2022 booster interval reduced to 3 months for 18+ including immunocompromised and pregnant woman [https://www.health.govt.nz/system/files/documents/pages/20220201\\_cv\\_tag\\_recommendations\\_on\\_booster\\_interval.pdf](https://www.health.govt.nz/system/files/documents/pages/20220201_cv_tag_recommendations_on_booster_interval.pdf)
- On 15 December 2021 CV-TAG recommends use Pfizer mRNA COVID-19 vaccine for children aged 5-11 years: [https://www.health.govt.nz/system/files/documents/pages/20211215\\_cv\\_tag\\_decision\\_to\\_use\\_vaccine\\_in\\_5-11-year-olds.pdf](https://www.health.govt.nz/system/files/documents/pages/20211215_cv_tag_decision_to_use_vaccine_in_5-11-year-olds.pdf)
- On 17 November 2021 confirmed the first booster shot (3rd shot) in immunocompromised adolescents (12+): [https://www.health.govt.nz/system/files/documents/pages/20211117\\_cv\\_tag\\_immunocompromised\\_update.pdf](https://www.health.govt.nz/system/files/documents/pages/20211117_cv_tag_immunocompromised_update.pdf)
- On 21 September 2021 first booster shot (3rd shot) in immunocompromised adults was recommended by CV-Tag [https://www.health.govt.nz/system/files/documents/pages/20210921\\_cv\\_tag\\_additional\\_dose\\_in\\_the\\_immunocompromised.pdf](https://www.health.govt.nz/system/files/documents/pages/20210921_cv_tag_additional_dose_in_the_immunocompromised.pdf)
- On 1 September 2021 the roll out to adolescents commenced: [https://en.wikipedia.org/wiki/COVID-19\\_vaccination\\_in\\_New\\_Zealand#September\\_2021](https://en.wikipedia.org/wiki/COVID-19_vaccination_in_New_Zealand#September_2021)
- On 21 February 2021 the roll out of the adult products commenced [https://en.wikipedia.org/wiki/COVID-19\\_vaccination\\_in\\_New\\_Zealand#September\\_2021](https://en.wikipedia.org/wiki/COVID-19_vaccination_in_New_Zealand#September_2021)

15. This is the health of our children. Such blatant and misleading information from the department responsible for our health is not only alarming, the misleading and deceptive nature of it means that parents are not getting all of the information they need to make a properly informed decision.

16. In this respect, based on their own behaviour and recommendations, and information known to the Ministry of Health, Covid-19 vaccination (which is two primary doses) will not protect them for life.

## Appendix 2

### RESPONSE FROM ADVERTISER, TE WHATU ORA/HEALTH NEW ZEALAND

Re: Te Whatu Ora — Health New Zealand - Print — Complaint 22/195

Thank you for your letter of 17 July 2022 in which you ask for Health New Zealand - Te Whatu Ora (Te Whatu Ora) to respond to complaints you received. The complaints relate

to the inclusion of the statement "Protect for Life. Immunise" in Te Whatu Ora's advertising and the claim that the statement is 'misleading' and 'false'.

You have indicated that the concerns of the complaint fall under the following area:

**Advertising Standards Code — Principle 2, Rule 2(b) Truthful Presentation, Rule 2(e) Advocacy**

Te Whatu Ora defend the implication that this advertisement is misleading and false for the following reasons:

1. In this advertisement we are promoting immunisation as a lifelong journey and that immunisation is the most effective way to actively protect a child from preventable diseases throughout their life. The tagline, "Protect them for life. Immunise." refers to the immunisation programme as a whole-of-life programme. The campaign was developed to cover the concept of childhood immunisations and was not specific to a single vaccine, but provide overarching messaging which could be used as and when required, e.g. MMR, polio, COVID-19, HPV, whooping cough etc.
2. The tagline was developed to have a dual meaning. The word 'life' can be the time between being born and death, or the experience of being alive. (Cambridge English Dictionary). 'Protect' means to keep someone safe from injury, damage or loss. (Cambridge English Dictionary). When protecting people from infectious diseases, that protection incorporates being less symptomatic from the disease, through to preventing severe illness or even death.'
3. The advertisement clearly shows tamariki experiencing their lives and the numerous ways in which adults aim to protect them from harm, both short and long term and physical and emotional harm. Immunisation is well established to protect people from the consequences of infectious diseases by preventing the spread of disease within communities or reducing the severity of illness if it occurs."
4. Some vaccinations may give people lifelong protection, especially in the context of herd immunity (i.e. no disease circulating in the community) — examples include the MMR, hepatitis A and polio vaccines. Other vaccines may need booster shots throughout life due to the way the human immune system interacts with the disease in question. This group includes vaccines for tetanus, influenza, and COVID-19.
5. Regarding whether a vaccine protects every recipient — this depends on the vaccine and the recipient's immune system. Many vaccines such as measles, hepatitis A, polio and tetanus protect over 96% of those immunised and for some vaccines the effect is over 99%. Vaccines are approved based on their safety and efficacy. The efficacy includes the ability to protect recommended recipients from harms caused by vaccine preventable diseases.
6. This may range from a reduction of circulating infection to prevention of severe disease. For instance, a full course of the tetanus vaccine in those with a functioning immune system, protects 100% of recipients from death. (Amanna & Slifka, 2018)."
- Vaccination of children with the covid vaccine reduces the risk of them needing hospitalisation from COVID-19 and reduces their chances of developing long covid which could have a life-changing impact.
7. Vaccinations protect people through direct and indirect health benefits. Aotearoa currently has reduced uptake of childhood immunisations due to the impact of the COVID-19 pandemic and the disruption it presented. For some immunisations the

levels are so low that we risk an outbreak of the disease at present and this will put children's lives at risk. Measles and MMR vaccination is an example. It is critical for the health of young children in Aotearoa that immunisation rates are lifted in all areas and particularly for those more vulnerable.

8. The World Health Organisation (WHO)" states; "Immunization is a key component of primary health care and an indisputable human right. It's also one of the best health investments money can buy. Vaccines are also critical to the prevention and control of infectious disease outbreaks. They underpin global health security and will be a vital tool in the battle against antimicrobial resistance."
9. With regards to advertising a medicine, any therapeutic claims must be consistent with the indications that have been approved for the product and this advertisement is promoting a programme.

The 'Protect for Life. Immunise' advertisements are part of the "Acts of Aroha' campaign, which started on 15 May 2022. As part of this campaign, we provided posters and collateral for health providers to download from the Ministry of health website, for display in customer facing health facilities. I have attached the digital file of the advertisement.

Thank you for raising these complaints with me and please do not hesitate to contact me if you require any further information.

### **Appendix 3**

#### **RESPONSE FROM MEDIA OUTLETS**

##### **NEWS PUBLISHERS ASSOCIATION (NPA)**

The News Publishers' Association (NPA), on behalf of its members, has facilitated placement of Ministry of Health advertising throughout the pandemic ensuring important public health information reaches New Zealanders. NPA supports the decision of the Complaints Board and notes earlier complaints with regards to the same statement have not been upheld.

##### **ARE MEDIA**

Letting you know that although we don't agree with elements of the complaints our intention is to settle and will require client to amend creative if running again.

##### **NZME**

##### **Re: Te Whatu Ora – Health New Zealand - Print – Complaint 22/195**

We write on behalf of NZME (the publisher) in response to the above complaint regarding the advertiser's advertising in NZME's publication.

The ASA has identified Principle 2, Rule 2(b), 2(e) as potentially being relevant:

**PRINCIPLE 1: SOCIAL RESPONSIBILITY:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

##### **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.

The complainant takes issue with the advertisement's claim "protect them for life", on the basis that Covid vaccine protections decrease over time, and more generally questions whether immunisations provide protection from Covid.

We understand that the Advertiser intends to defend the advertisements and will be providing substantive feedback directly to the Authority.

As publisher, NZME requires that any advertiser seeking to place advertisements in any NZME publication provides a warranty that any claims made are factually correct and able to be substantiated. We therefore refer to the advertiser's substantive response in that regard.

Please let the writer know if you have any queries or concerns.