

COMPLAINT NUMBER	22/270
ADVERTISER	NZ National Party
ADVERTISEMENT	Taking New Zealand Forward, YouTube
DATE OF MEETING	5 September 2022
OUTCOME	No Grounds to Proceed

Advertisement: The sponsored YouTube advertisement on behalf of the NZ National Party showcases the Leader of the Opposition, Hon Christopher Luxon in various situations at home, and in the community, speaking of his upbringing, past career and future aspirations for New Zealand and the NZ National Party. The advertisement contains the National Party logo and an authorisation statement.

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

Complaint: This advertisement features Christopher Luxon (Leader of the National Party).

Source: <https://www.youtube.com/watch?v=PJWZWozM5nE>

This appeared whilst I was watching a documentary on YouTube on Wednesday evening, 17th August 2022. As I didn't notice the specific time, I checked again on 20/08/2022 at 1.10pm, and have provided the link above. I thought the advertisement was OK at first, however, was disturbed that it contained generalised statements containing factually incorrect information intending to mislead the public and significantly providing disinformation about the current Government.

He makes two statements about the current Government which are factually incorrect, significantly misleading the public and spreading disinformation.

The two statements include:

"Too much government spending has sent the cost of living spiraling"; and second, "This Government that can't deliver".

The first statement is significantly misleading because it is well established that increases in our current cost-of-living are a complex combination of international influences that are largely outside of a single Government's control.

The second statement is also factually incorrect as the current Government have delivered policy in multiples areas (e.g. school lunches, increasing the minimum wage and wages across all Government-funded professions- Teachers, Police, Nurses, Doctors, Social Workers etc.); Other examples include: extending parental leave; providing free period products in Schools; the Family's package; cost of living package; the mana in mahi and flexi-wage programmes supporting tens of thousands of young people off long-term unemployment and in to work; releasing funding for recruiting international Doctors and Nurses and for training more health professionals in NZ; and recently, temporarily reducing

petrol tax by 25c to assist affordability of travel and transport in response to international influences on the cost of petrol. These are just a few examples that I have noticed.

Other areas, such as the health system has a multi-decade history of chronic underfunding with gaps across all departments being significantly bought to light during the height of the Coronavirus epidemic. The Government has always maintained the transformation of this sector is a long-term process, with objectives continually monitored and reviewed in light of New Zealand interests amongst international challenges (e.g. the global shortage of Nurses).

My concern is that by misleading the public with respect to matters of fact, the advertisement I have seen which is in the public arena is spreading misinformation and disinformation about the current Government.

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 considered the advertisement made factually incorrect statements and was misleading.

The Chair confirmed the identity and position of the Advertiser was clear. She noted the advertisement included the National Party logo, and authorisation statement. The Chair said the text and content of the advertisement was sufficient to communicate the Advertiser's position on how the National Party intends to "take New Zealand forward" if it becomes the Government in the next election. 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 said the advertisement was clearly a political advertisement from the NZ National Party, introducing its new leader, Christopher Luxon. The Chair noted the Complainant was concerned about two statements made in the advertisement which said; "Too much Government spending has sent the cost-of-living spiraling" and "We can't afford another term of this Government who can't deliver." The Chair said the statements were clearly the opinion of the National Party and permitted under advocacy advertising. As opinion statements, substantiation is not required.

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 presents the Advertiser's perspective on matters of current public debate.

The Chair said in the context of advocacy advertising, the advertisement was not in breach of 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.