

COMPLAINT NUMBER	20/440
ADVERTISER	The Advance New Zealand Party
ADVERTISEMENT	Advance NZ Party and NZ Public Party, Print
DATE OF MEETING	28 September 2020
OUTCOME	Upheld Advertisement not to be used again

Summary of the Complaints Board Decision

The Complaints Board upheld complaints about a print advertisement for the Advance New Zealand Party and the New Zealand Public Party. This is because the reference to seasonal flu in the advertisement had not been substantiated and its use to support statements about Government overreach in the response to the COVID-19 pandemic was not socially responsible.

Description of Advertisement

The print advertisement for the Advance New Zealand Party and the New Zealand Public Party appeared in the Te Awamutu Courier and Bay of Plenty Times newspapers. The advertisement is headed "Update COVID-19" with red and white diagonal stripes. The advertisement says: "COVID-19 DEATH RATE NOW KNOWN TO BE COMPARABLE TO SEASONAL FLU.

Yet in New Zealand:

Rising Cases = Rolling Lockdowns

Refusing Mask = Expensive Fine

Refusing Test = Longer Detention

Refusing Detention=Go to Prison"

At the bottom of the advertisement there are qualifiers in small print for some of the statements made in the main body of the advertisement. The advertisement also includes logos for the Advance NZ Party and the NZ Public Party and a promoter's statement.

Summary of the Complaints

There are seven complaints about this advertisement. The concerns about the advertisement include:

- Misleading and false information
- Unbalanced
- Trivialising a severe viral illness
- Use of hyperbole and illogical arguments
- Fear-mongering which could lead to poor public hygiene as well as fear about being fined
- Irresponsible
- Treacherous and deceitful
- The design of the advertisement is made to look like an official statement and the fine print is hard to read.

Several Complainants directly challenge the statement “COVID-19 death rate now known to be comparable to seasonal flu” which they say is blatantly incorrect and not supported by published evidence. Articles about the elimination approach and mortality rates were provided by Complainants in support of their position.

Issues Raised:

- Social Responsibility
- Truthful Presentation
- Advocacy Advertising

Summary of the Advertiser’s Response

The Advertiser sought an extension to respond to the complaints, which was granted by the Chair. However, no substantive response was received from the Advertiser.

Summary of the Media Response

NZME said the advertisement was a political advocacy message critiquing the measures adopted by the Labour-led government to combat COVID-19. NZME said there has been widespread debate about the best way to tackle the virus reflected in different approaches throughout the world. NZME says the advertiser provides references to the source data the Advertiser has relied on to make the statements, and it is expected that political parties will critically assess the measures implemented by the Government to tackle COVID-19.

Relevant ASA Codes of Practice

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

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (g) Fear and distress: Advertisements must not cause fear or distress without justification.

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.

The Complaints Board said the advertisements before it fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They say:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

Role of the ASA when considering an advocacy advertisement

The Complaints Board noted its role is to consider the likely consumer takeout of an advertisement and complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

The Board will consider whether the advertisement includes statements of fact or opinion and decide whether any factual claims have been adequately substantiated by the Advertiser. The Complaints Board noted that a fact is something that is objectively true and can be verified as such whereas an opinion is a personal belief. Others may agree or disagree with an opinion, but they cannot prove or disprove it. Some statements contain both fact and opinion. The Board referred to the ASA Guidance Note on Advocacy which says:

“Evidence may be cited in support of the opinion, but it should be clear it supports an opinion rather than being the full factual position. Evidence in support of an opinion should be clearly cited and readily obtainable. Academic studies are often cited as evidence. Such studies are treated as expert opinion rather than the full factual situation...the Board will not determine which of competing academic studies or other evidence is correct. The Complaints Board's only role is to determine whether there has been a breach of the ASA Codes, taking into account the Advocacy Principles.”

The Complaints Board 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.

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.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to three precedent decisions, Decision 20/358 which was Upheld in part and Decisions 20/377 and 20/336 which were Not Upheld.

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

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

Decision 20/358 concerned a brochure advertisement from the New Conservative Party. The two-sided brochure poses the question "Did you know?" and lists a number of statements, including "Babies can be lawfully and easily aborted up to full term", "Every New Zealander owes \$32,000 in Government debt" and "Drugged drivers already cause more deaths than drunk drivers." The Complaints Board upheld in part a complaint about a flyer for the New Conservative Party. The Board said the statement "Drugged drivers already cause more deaths than drunk drivers" was a factual statement, not an opinion, and it had not been adequately substantiated.

Decision 20/377 concerned a billboard advertisement from The New Zealand Public Party (NZPP) promoting party policies for the 2020 Election. The advertisement shows Co-leader Billy Te Kahika and the words: "Its time" followed by three policy statements. One statement says: "to protect our tamariki from forced medical tests". The Complaints Board did not uphold the complaint. The Complaints Board agreed the opinion statement was not misleading and reflected the Advertiser's position on the Covid-19 Public Health Response Act 2020, which provides for Orders "requiring persons to do any of the following: (viii) report for and undergo a medical examination or testing of any kind, and at any place or time, specified and in any specified way or specified circumstances".

Decision 20/336 concerned a series of Facebook advertisements from the NZ National Party about the Green Party's water-only policy statement. The Complaints Board said the advertisements are the National Party's interpretation of an unqualified policy statement by the Green Party and the source of the statement was included. The advocacy advertisements published during the Election campaign were not in breach of the Advertising Standards Code.

Complaints Board Discussion

Consumer Takeout

The Complaints Board considered the likely consumer takeout of the advertisement. Some Board members said the takeout was the Advance New Zealand Party and the New Zealand Public Party are seeking votes in the General Election and they consider the Government response to the COVID-19 pandemic to be disproportionate to the seriousness of the illness.

For some Board members the term "UPDATE COVID-19" and the use of red and white stripes (similar to the yellow and white design used by Government) had the potential to confuse some consumers into thinking the claim about the death rate was from an official source.

Has the advocacy advertisement been adequately identified?

The Complaints Board agreed the advertisement had been adequately identified as an advocacy advertisement.

The Board said the identity of the Advertisers, the Advance New Zealand Party and the New Zealand Public Party was clear, although the "UPDATE COVID-19" and the use of red and white stripes risked that clarity to some extent. The Board said the Advertiser's position on the Government response to the COVID-19 pandemic was clear.

Are the statements in the advertisement likely to mislead?

The Complaints Board considered the statements to assess whether they are statements of fact, supported by adequate substantiation, or opinion.

Statement One:

“COVID-19 Death Rate Now Known To Be Comparable to Seasonal Flu*”

The Complaints Board agreed this is presented as a statement of fact and the reference to substantiate it is included in the advertisement. The reference states: “In recent immunological studies reported by Swiss Policy Institute the overall lethality of COVID-19 (IFR) in the general population ranges between 0.1% and 0.5% in most countries which is comparable to the medium influenza pandemics of 1957 and 1968 <http://swprs.org/studies-on-covid-19-lethality>.”

The Complaints Board noted the Complainants considered the statement to be misleading, irresponsible and not supported by widely published scientific evidence.

The Board noted no response was received from the Advertiser, although the report published by the Swiss Policy Institute referenced in the advertisement was considered. The Board reviewed the response from the Media, NZME and noted it considered the advertisement to be clearly identifiable as an advocacy advertisement and that statements of fact had been substantiated within the advertisement.

The Complaints Board confirmed the importance of open debate during an election campaign. However, under the ASA complaints process, the onus is on the Advertiser to support factual statements made in advertisements, if challenged.

The Complaints Board ruled the statement “COVID-19 Death Rate Now Known To Be Comparable to Seasonal Flu*” was misleading. This is because consumers would consider the reference to seasonal flu to be about the flu people deal with on an annual basis mostly in colder months, and that the death rate for COVID-19 has been shown to be similar to the death rate for that annual flu. The Board said the report referred to as substantiation in the advertisement provided information about the COVID-19 death rates in other countries but did not clearly substantiate the COVID-19 death rate was similar to ‘seasonal flu’ outbreaks.

The Complaints Board ruled the statement “COVID-19 Death Rate Now Known To Be Comparable to Seasonal Flu*” was not socially responsible. This is because it was not supported by the substantiation. The use of language and design elements in the advertisement similar to Government advertising for COVID-19 accentuated the issue due to the potential to confuse some consumers.

Statement Two:

“Yet in New Zealand:

- Rising Cases = Rolling Lockdowns
- Refusing Mask = Expensive Fine
- Refusing Test = Longer Detention
- Refusing Detention=Go to Prison”

The Complaints Board treated the above list as Statement Two. The Board considered the list to be possible scenarios based on the restrictions the Government has put in place as part of its management of the COVID-19 pandemic. The Board agreed the consumer takeout of these statements is that it is the Advertiser’s opinion these potential scenarios are an excessive response to the COVID-19 pandemic. The list did not meet the threshold to require substantiation and was not a breach of Rule 2(b) of the Advertising Standards Code.

Does the advertisement cause fear or distress?

The Board then considered the overall advertisement and the requirements of Rule 1(g) of the Advertising Standards Code which states: “Advertisements must not cause fear or distress without justification.” The Complaints Board agreed the advertisement was likely to cause distress without justification. This is because of the unsubstantiated association of the COVID-19 death rate across the world with the seasonal flu, combined with the advertisement design and the link to the Advertiser’s view of Government overreach in the response to the pandemic. In particular, the effect of the unsubstantiated claim was to unjustifiably trivialise the health impacts of COVID-19, which could cause distress among those who have made sacrifices, losses or experienced hardship as a consequence of complying with official guidelines to protect whanau, communities and society from COVID-19. The Complaints Board said the advertisement was in breach of Principle 1 and Rule 1(g) of the Advertising Standards Code.

Summary

The Complaints Board ruled the reference to seasonal flu in the advertisement was misleading because it had not been substantiated and therefore its use to support statements about Government overreach in its response to the COVID-19 pandemic was not socially responsible. The advertisement was not saved by the more liberal interpretation of the Code provided for under the Advocacy Principles.

The Complaints Board unanimously ruled the advertisement was in breach of Principle 1 and Rule 1(g) and Principle 2 and Rules 2(b) and 2(e) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Upheld**.

Advertisement not to be used again.

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. **NOTE:** Under the fast track process one month prior to the Election, appeals must be made in writing via email or letter within three (3) calendar days of receipt of this decision.

APPENDICES

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

Appendix 1

There were seven complaints about this advertisement:

COMPLAINT 1

This advert is using hyperbole and fear mongering to imply that rising cases will lead to prison time for people. It is preying on the vulnerability of people's fears of COVID-19, and making illogical leaps through that. The fine print listed at the bottom of the advert is incredibly difficult to read and printed in such a way that it appears to be bleed through from the previous page.

COMPLAINT 2

The advert is stating false information that is likely to cause an increase in poor public hygiene

COMPLAINT 3

The top part of the ad is designed to look like an official Covid-19 announcement. The font is the same, only the colour is different.

The claim in the bold white font is "COVID- 19 death rate now known to be comparable to seasonal flu" is misleading. Although there are links at the bottom, most people would not bother to read them. Some of the claims eg "Refusing mask = expensive fine" are also misleading especially given the health issues at the moment among vulnerable people in this Community.

Overall this ad is designed to create fear and lacks balance.

COMPLAINT 4

We are complaining about a one-page advertisement that appeared in 'Waikato News', a NZ Herald Supplement published on 18 September 2020 (copy attached).

It contains the statement "COVID-19 death rate now known to be comparable to seasonal flu" as its central message. It then implies, based on this statement, that public health control measures are excessive, notably that the use of physical distancing (lockdowns), masks, testing and case/contact quarantine/isolation are not justified.

We consider this irresponsible advertising based on the principles and rules of the Advertising Standards Code (<https://www.asa.co.nz/codes/codes/advertising-standards-code/>).

We are objecting to this advertising on two specific grounds:

- Principle 2: truthful presentation: "Advertisements must be truthful, balanced and not misleading".

Specifically - Rule 2 (b) Truthful presentation

- Principle 1: social responsibility: "Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society". Specifically Rule 1 (e) Safety 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.”

The central statement “COVID-19 death rate now known to be comparable to seasonal flu” is blatantly incorrect and not supported by widely held and published scientific evidence. Using detailed New Zealand and international data we have reported in the British Medical Journal, the death rate from COVID-19 to be around 17 times higher than for seasonal flu in New Zealand. See: MG Baker, N Wilson. Rapid Response: The COVID-19 elimination debate – needs to use correct data. (Published 09 September 2020) BMJ 2020; 370 doi:

<https://www.bmj.com/content/370/bmj.m3410/rr-6>

Rule 1 (e) Safety “Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety”.

There is overwhelming evidence that the use of public health measures (notably lockdowns and testing, contact tracing, isolation and quarantine) was successful in eliminating COVID-19 from New Zealand for a period of over 3 months, giving New Zealand the lowest mortality rate from this pandemic in the OECD (see: Baker MG, Wilson N, Anglemeyer A. Successful elimination of covid-19 transmission in New Zealand. New England Journal of Medicine. 2020 Aug 20;383(8):e56.

<https://www.nejm.org/doi/full/10.1056/NEJMc2025203>).

New Zealand is on track to eliminate this infection again, using these public health measures, which will provide ongoing protection of New Zealanders, particularly those who are most vulnerable (older, living with long-term conditions, Māori and Pacific peoples – as seen in previous pandemics: Wilson et al 2012, Emerging Infectious Diseases

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3310086/>).

Encouraging disregard for critical public health measures is highly irresponsible – especially so when poorly controlled pandemic spread in New Zealand could kill thousands of people. Such behaviour poses a risk to the safety of both the individuals involved in such action (eg, through lack of physical distancing and mask use), and to the entire New Zealand population (as it threatens the wider goal of pandemic containment and elimination).

Thank you for considering this important complaint.

COMPLAINT 5

I believe the claim in the advertisement" that the Covid-19 death rate is now known to be comparable to seasonal flu" is factually incorrect and misleading, resulting in a risk to public health.

COMPLAINT 6

I believe that the wording of these messages are misleading and dangerous. The mortality rate from COVID-19 and impact of this pandemic on humans is more severe than the seasonal flu.

Advance NZ and the NZ Public Party are misleading the NZ public for political purposes and trivialising a severe viral illness that has no cure. The COVID-19 mortality rate around the world is high and well exceeds that of seasonal flu.

COMPLAINT 7

“Me haehaetia koia te rau i peke i te matangi” – Pōmare

Kei aku manu tāiko, kei aku manu mōtoi kahotea

Koinei te rere ō mihi manahau ki a tātou i takahi te ara tohe, te ara pūmau, te ara ora anō hoki

E aku manawa kakapa nei, he auhi, he pūkatokato e mākatikati mai nei. Koutou kua riro i te tirohanga kanohi, koutou kua wehe i te papa ora o te nui me te rahi, haere, whakangaro atu. Anei ōu mahuetanga iho i hīkina te mānuka i whakatakotoria e koutou mō te orange tonutanga o te tika, o te pono, me te aroha. Tēnā tātou.

Ko te whakatauāki ki runga tētehi rerenga kōrero i puta mai i a Pōmare nō te Tai Tokerau i te wā i tae mai a Ngā Puhi ki taku kāinga, ki te pā o Te Tōtara ki Te Kauaeranga. E ai ki ngā kōrero, i hinga te ope tauā o Hongi Hika i a Ngāti Maru. Nā konā, i nunumi a Hongi Hika ki tētehi wāhi huna, noho ai. I taka te Rā ki tōna wāhi moe, ka mutu, i hoki atu a Hongi Hika ki Tōtara Pā i raro iho i te āhuru mōwai o te pō. I paea noatia e rātou ōku tūpuna kia kōhurutia. Koinei te take i whakahē atu a Pōmare i a Hongi Hika. Waihoki, i kōtahi atu a Pōmare me tōna ope tauā ki te kāinga i mua tonu i ngā mahi kōhuru. Ko ngā kōrero i heke tonu mai ki a mātou ngā uri a Ngāti Maru, ko ā rātou mahi he mahi nanakia, he mahi tītipa hoki.

Ko te hāngai o tēnei whakatauāki ki ngā kōrero i putaina e Billy Te Kāhika me tōna kāhui ki te tūmatawhānui i te tuangāhuru mā waru o Māhuru i te pūrongo o Waikato, ko te wairua o āna kōrero he nanakia, he tītipa, he kūware, he rerekē hoki i te nui o ngā kōrero whai mana i puta mai i te horapa whānuitia e te kowheori nei i te ao. Ka mutu, i hē katoa āna kōrero mō te ōrite o te hunga e mate ana i te rewharewha i tā te kowheori. Kei te mōhio tātou i tokomaha ake te hunga i mate i te kowheori i te rewharewha – tata ki te ngāhuru taurea. Ko te utu o āna kōrero ko te tupu o te āmaimai me te mānukanuka ki roto i te whatumanawa o tēnā, o tēnā o tātou. Nāwai, nāwai ka puta mai he hunga i whakarerea ngā tohutohu e mōhiotia nei e tātou, arā, me horoi i o tātou ringaringa, me rua ine te tawhiti i tētehi atu tāngata i waho tonu i tō miru, me mare ki roto i tō tuke, me mau hoki i ngā kanohi kē. Kāore e kore, ko te hua o ēnei kōrero rerekē rawa atu ko te mate o te tangata, ko te whakahoki o ngā tūpāpaku ki ō rātou rua kōiwi, tanu ai. Nō reira, he tohu whakatūpato tēnei mō tātou katoa.

E aku rangatira, ko te tono nei tāku kia whakatika e koutou te hē i putaina mai e Billy Te Kāhika me tōna kāhui. I hē rawa atu i te kūware me te teka hoki o āna kōrero. Me whakatairanga e koutou te tika me te pono o ngā kōrero i puta ki te tūmatawhānui. Koinei ētehi ture me mau pumau koutou, me te mōhio hoki, he heipapa nui mā koutou e whakamaranga ngā mātāpono o te Tiriti o Waitangi.

Hei kōrero whakakapi āku, kua roa nei tātou e pakanga ana ki tēnei mate korona. He nui ngā hua pai i puta i te mahi ngātahi me te ngākau tapatahi. Ka mutu, kei te mārama tonu tātou he nui hoki ngā kōwhao me whakakā i te takanga o te wā kia whakatinana tātou i te wairua o te mana taurite, o te ōritetanga anō hoki. Engari, ko ēnei kōrero a Billy mā i wawahi nei i a tātou i te wā me whakaaro ngātahi tātou kia puta atu ki te whei ao, ki te ao marama.

“Waiho i te toipoto, kaua i te toiroa”

Appendix 2

RESPONSE FROM ADVERTISER, THE ADVANCE NEW ZEALAND PARTY

No substantive response was received from the Advertiser.

RESPONSE FROM MEDIA, NZME

Re: Complaint 20/440

We write on behalf of NZME (the Publisher) in response to the above complaint regarding The Advance New Zealand Party's advertisement in Te Awamutu Courier and Bay of Plenty Times. This advertisement was designed and submitted on behalf of the client, but accepted by NZME for publishing, as we believe it does not contravene ASA codes.

The ASA has identified Advertising Standards Code - Principle 1, Principle 2, Rule 1(g), Rule 2(b) and Rule 2(e) as potentially being relevant.

Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

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.

Firstly, we note that the advertisement is advocacy advertising because it promotes the views of a political party¹. The advertisement advocates support for the advertiser, a registered political party, by critiquing some of the measures adopted by the incumbent government to combat Covid-19. The identity and position of the advertiser is clear, opinion in support of the advertiser's position is clearly distinguishable from factual information, and factual information has been substantiated. Consequently, the advertisement meets the requirements of Rule 2(e).

We note that there has been widespread debate over the best way to tackle Covid-19 and significant media coverage of the differing approaches adopted by countries around the world. Sweden in particular has attracted media attention for eschewing a strict lockdown approach².

In this context we wish to respond as follows:

1. We disagree that the advertisement is 'stating false information that is likely to cause an increase in poor public hygiene'. The footer contains references to the source data the advertiser has relied on to make the statements contained in the headline and body of the advertisement.
2. The advertisement does not imply on that rising cases of Covid-19 'will lead to prison time for people', rather it is a reference to the fact that under section 16 of the COVID-19 Public Health Response Act, a person who is convicted of intentionally failing to

¹ Complaint 20/348 New Conservative Party, Addressed Mail, No Grounds to Proceed

² <https://www.medpagetoday.com/infectiousdisease/covid19/87812> ;
https://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=12364331

comply with a COVID-19 order may be imprisoned for a term of up to 6 months³. Nor do we accept that the source data cited is difficult to read.

3. Finally, we again note that the advertisement is clearly advocacy advertising; the advertiser's identity is clear, as is the advertiser's website address. As the Complaints Board has recognized in previous decisions, in the context of advocacy advertising, *"political advertisements were not only acceptable but encouraged, as they were an essential and desirable part of the functioning of a democratic society"* and *"in a free and democratic society, differences of political opinion 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."*⁴ It is to be expected that in the context of a general election political parties will critically assess the measures implemented by the Government to tackle COVID-19.
4. The likely takeout from the advertisement is that the advertiser views the approach taken by the current Government to combat COVID-19 as overly restrictive and needs to be reviewed.

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

³ <http://www.legislation.govt.nz/act/public/2020/0012/latest/LMS344200.html>

⁴ Complaint 20/336; Complaint 20/037.