

COMPLAINT NUMBER	18/169
COMPLAINANT	J Baker
ADVERTISER	Christians for Israel NZ
ADVERTISEMENT	Christians for Israel, NZ, Print
DATE OF MEETING	28 May 2018
OUTCOME	No Grounds to Proceed

Advertisement: The advertisement written for the CHB Mail community newspaper by Pastor Nigel Woodley was titled 'Happy Birthday to the State of Israel' and detailed the Pastor's view on the history of the Jewish State.

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

Complainant, J Baker, said: This is an inaccurate political advertisement that denigrates and demonised the Arab and Palestinian population of the Middle East. It is hate speak that has been written to ignore the numerous UN resolutions against Israel and foster hatred of the very people this country persecute.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 11, Rule 2, Rule 4, Rule 8; Code for People in Advertising - Basic Principle 3, Basic Principle 4;

The Chair noted the Complainant's concern the advertisement was a political advertisement which denigrated the Arab and Palestinian populations.

The Chair turned first to consider the advertisement under Rule 11 of the Code of Ethics. Rule 11 provides for robust expression of belief or opinion being expressed by the Advertiser, therefore, such opinions may be robust. However, opinion should be clearly distinguishable from factual information.

The Advocacy Principles, developed by the Complaints Board in previous Decisions for the application of Rule 11, also applied. These said:

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 right 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.

The Chair said the advertisement before her identified the Advertiser in the lower right corner of the advertisement by showing the name and logo of the Christians for Israel New Zealand. The author of the advertisement was named and sponsorship organisation logos were also displayed. Therefore, the Chair ruled the advertisement met the identification provision of Rule 11 of the Code of Ethics.

The Chair said that it was clear the advertisement had been placed by an advocacy group who had a particular stance about the Palestine/Israel conflict. Robust opinion is provided for under Rule 11, so the Chair said the advertisement was unlikely to mislead most readers who would understand the statements made in the advertisement were political opinion from one side of the conflict, rather than statements of fact.

While acknowledging the Complainant had an alternate view on the advertisement's subject matter, the Chair ruled the advertisement had been prepared with a due sense of social responsibility to consumers and to society and had not breached the Code of Ethics or the Code for People in Advertising.

Accordingly, 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 via email or letter within 14 days of receipt of this decision.