

COMPLAINT NUMBER	19/186
COMPLAINANT	R Malone
ADVERTISER	For the Protection of Zion Trust
ADVERTISEMENT	For the Protection of Zion Trust, Newspaper
DATE OF MEETING	20 May 2019
OUTCOME	No Grounds to Proceed

Advertisement: The full page newspaper advertisement sponsored by the “For The Protection of Zion Trust” is headed “At 71 Israel as a Jewish state is justified” and labelled “Advertisement”. It advocates for the right of Jewish people to live in Israel.

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

Complainant, R Malone, said: This advertisement is promoting the creation of an apartheid state where non Jewish are considered to be sub human citizens . I feel this is a breach of human rights as everyone should be allowed to exist in the country they were born in without fear persecution

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

The Chair noted the Complainant’s concern the advertisement is promoting the creation of an apartheid state.

The Chair said that the advertisement fell into the category of advocacy advertising. Rule 2 (e) of the Advertising Standards Code allows for expression of opinion in advocacy advertising. Under Rule 2(e) the following must apply:

- 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 Advocacy Principles, developed by the Complaints Board in previous decisions that considered advocacy also applied. These 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.

The Chair confirmed the advertisement from the “For the Protection of Zion Trust” was an advocacy advertisement which promotes the right of Jewish people to live in Israel. She said that the Advertiser was clearly identified.

The Chair referred to a precedent decision, 11/109, about a newspaper advertisement headed “Top Five Lies about Israel”, which was ruled No Ground to Proceed. The Chair said in her view, that advertisement was an advocacy advertisement, and while the opinions in it may be robust, such expression of opinion was allowable under the Code. The Chair acknowledged there are differing views about the topic as discussed in the advertisement complained about, but this case was similar to that of the precedent decision. Robust expression of opinion is allowed, because the Advertiser is clearly identified, and their position is clear.

The Chair said the advertisement before her had been prepared with a due sense of social responsibility required and ruled it was not in breach of Principles 1 and 2 or Rules 1 (c) 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 via email or letter within 14 days of receipt of this decision.