

## Media Release

20 September 2017

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### **BSA fast tracks Election Programme complaint – finds Ban 1080 Party election advertisement did not breach standards**

The BSA has not upheld two complaints that a Ban 1080 Party election advertisement broadcast on television was inaccurate and misleading and breached broadcasting standards.

The Authority found that the claims made in the election advertisement, about the application and impact of 1080 on New Zealand waterways, flora and fauna, were statements of political advocacy and opinion, reflecting the party's policy position. The statements were made in the context of encouraging voters to vote for the Ban 1080 Party.

'The dominant purpose and effect of the advertisement was to communicate Ban 1080's political position in an attempt to secure votes in the upcoming election. Ban 1080 are known as a political organisation with the predominant focus of banning 1080 in New Zealand,' the Authority said.

The Authority was satisfied that viewers would understand that the advertisement was advocating for the Ban 1080 Party and its flagship policy with statements that, while persuasive and advocatory, were not assertions of fact. '[The assertions] lacked the definitive precision or specific language required to be categorised as statements of fact that can be proved or disproved,' the Authority found.

In reaching its decision, the Authority emphasised the importance and value of freedom of expression and political speech, particularly in the lead up to a general election, and did not consider the high threshold for finding a breach of standards was met.

The Authority said, 'Given the importance of political speech and of enabling political discourse in the lead up to a general election, we will generally only interfere to limit the exercise of that speech when we consider that the harm is great.'

The advertisement featured a voiceover discussing the purported use and effects of sodium fluoroacetate (1080 poison) on New Zealand's flora, fauna and waterways, accompanied by footage of animal carcasses and 1080 baits in water.

ENDS

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## **FURTHER INFORMATION**

The election advertisement was broadcast on 10 & 11 September 2017 on Māori Television.

The full decisions are available at <http://bsa.govt.nz/decisions/latest>.

The decisions were made under the Good Taste and Decency, Accuracy, Balance and Fairness standards of the Free-to-Air Television Code of Broadcasting Practice and also under Standard E2 of the Election Programmes Code of Broadcasting Practice (Distinguishing Factual Information from Opinion or Advocacy). The Codes are available at <http://bsa.govt.nz/standards/overview> and at <https://bsa.govt.nz/standards/election-programmes-code>.

The complaint was determined pursuant to the BSA's fast-track procedure for Election Programme complaints: [https://bsa.govt.nz/images/Fast-track\\_complaints\\_process\\_for\\_election-related\\_content.pdf](https://bsa.govt.nz/images/Fast-track_complaints_process_for_election-related_content.pdf)

## **ABOUT THE BROADCASTING STANDARDS AUTHORITY**

The Broadcasting Standards Authority is an independent body that oversees the broadcasting standards regime in New Zealand. We do this by determining complaints that broadcasts have breached standards, by doing research and also by providing information about broadcasting standards.

The Authority members are Peter Radich (Chair), Te Raumawhitu Kupenga and Paula Rose.

**For more information see our website: [www.bsa.govt.nz](http://www.bsa.govt.nz).**