

Confidential

FINAL ADJUDICATION

Small Society

Case number: A10-138804/SL
Media: Regional press
Sector: Non-commercial
Agency:

Number of complaints : 1

Ad

A regional press ad for the Small Society stated "SAVE FIRST, TAX LAST - This, [sic] is the solution - We are a group committed to ensuring that the development of Jersey's governmental policy and infrastructure is appropriate, and in the best interests of the island. We are retailers, farmers, financiers, hospitality providers, construction suppliers, representatives, owners, directors, board members, employees and employers. We are parents and children, spouses and partners, and we are individuals. But most of all, right now, we are concerned about the small society we call Jersey ... We call upon the Chief Minister and the Council of Ministers to commit absolutely to the programme of cost savings that they have proposed and to in fact go further."

Text under a heading "Facts you need to know:" listed ten paragraphs, headed "Fact 1;" "Fact 2;" etc, of information which the Small Society wished to draw to readers' attention.

Issue

A reader challenged whether the ad was misleading because it implied that the statements listed as "facts" under the heading "Facts you need to know:" were objective claims which could be substantiated.

Response

Small Society said the ad was placed in response to an ad that had previously been placed by the Unite Union and the Jersey Democratic Alliance. Small Society supplied a copy of that ad. They said they had deliberately followed the format and language used in that ad and that the text described as "Facts ..." answered similar content in the previous ad. Because of that context, they did not believe their ad fell within the remit of the CAP Code.

Assessment

Upheld

The ASA noted that the CAP Code stated that ads "whose principal function is to influence voters in a local, regional, national or international election or referendum" were exempt from the Code on the grounds that they were political advertising. We considered that Small Society's ad referred to Government and public policy but that its principal function was not to influence voters in an election. As such, we considered it fell within the remit of the CAP Code. We noted that Small Society's ad was intended to follow the format of the ad which preceded it. We considered, however, that to position the statements under the heading "Facts you need to

know:" and then to list them as "Fact 1;" "Fact 2:" etc suggested that they were objective claims, capable of substantiation. We noted that the statement listed as "Fact 1," that Government spending had doubled over the last 10 years, was verifiable. However, we considered the remaining statements, which used wording such as "The proposals to make 10% savings by 2013 do not go far enough. And before any increases or changes to tax structures are considered, more savings should be made" and "The Council of Ministers has proposed making savings of £12M in 2011, just 2%. Most family households and businesses have had to cut expenditure by far greater levels because of changes in the economy. A cost this small could easily be made without putting essential front line jobs, such as nurses and teachers, at risk. The only problem with this level of cost cutting is that it is far too conservative" were matters of opinion or conjecture. We considered that to describe them as facts suggested they were capable of verification or had been proven. Because that was not the case, we concluded that the ad was misleading.

The ad breached CAP Code (Edition 12) rules 3.1, 3.3 and 3.6 (Misleading advertising) and 3.7 (Substantiation).

Action

The ad must not appear again in its current form. We told Small Society not to suggest that opinions or conjecture were verifiable facts if that was not the case.