

12 January 2022

Advertising Complaints Board
Advertising Standards Authority
P O Box 10-675
WELLINGTON

FOR: Catherine Maclean - Complaints Manager

Dear Catherine

RE: Voices For Freedom

www.voicesforfreedom.co.nz/mask-facts

Complaint 21/539

1. We understand the Advertising Standards Association ("**the ASA**") has received certain complaints concerning our flyer entitled "Going To Wear That All Summer?" Flyer ("**the Summer Mask Flyer**" / "**the Flyer**").
2. The complaints have been accepted for consideration by the Advertising Standards Complaints Board ("**the Board**") and that the Board will make a decision on the complaint with reference to your Advertising Standards Code ("**the Code**").
3. We have been directed that the following sections of the Code are relevant to this complaint: Principle 1, Principle 2 – namely Rule 1(c), Rule 1(g), Rule 1(h), Rule 2(b) and Rule 2(e) and Rule 2(f).
4. We also understand that the Board does not have enforcement powers to sanction any advertiser/advertising but rather maintains relationships with various media and advertising outlets/distributors. It can approach them to ask for their cooperation in enforcing its rulings.
5. On the other hand, where advertising is carried out through other means, such as is the case with this flyer, the Board cannot enforce its own rulings, notwithstanding the various relationships maintained.

OVERVIEW

6. Voices for Freedom is an independent, not-for-profit, grassroots organisation founded in December 2020 and stands for honesty, sound science, true government transparency, a proper health response and the freedom for New Zealanders to choose what is right. We are especially concerned at this time with protecting medical freedom and freedom of speech.
7. The Summer Mask Flyer is an educational publication. Its publication and distribution provide a service to the public, assisting them as it does as part of their informed consent decision-making process by providing information they probably did not know as indicated by subtitle "Did You Know?".
8. The Summer Mask Flyer is substantially a reprint of our mask flyer which was the subject of ASA case 21/318 ("**the Original Mask Flyer**").
9. As at time of writing this response over 1,000,000 Summer Mask Flyers have been printed and distributed throughout New Zealand. In this context, the number of complaints received to date is very low. And this is despite various media reporting on the ability to complain, effectively amounting to a nationwide call for further complaints.
10. Each of the six statements set out on the Summer Mask Flyer is backed up by information available to the public and which representative information is available through statements or via links on our website at www.VoicesForFreedom.co.nz and more specifically at www.voicesforfreedom.co.nz/mask-facts.
11. Furthermore, as you will be aware, these six statements are identical to the six claims in the Original Mask Flyer. In that case your Complaints Board agreed in August 2021 that "*none the six statements made in the advertisement were misleading, because they had been adequately substantiated in the context of advocacy advertising*". This finding is a fact which we have referenced on the Summer Mask Flyer alongside the six points.
12. The Summer Mask Flyer does not constitute a breach of the Code for above reasons and for reasons further elaborated upon below.

SUMMARY OF OUR RESPONSE

13. For ease of reference, we set out here a summary of our responses as grouped, according to the various parts of the Code that you have advised are relevant.
- a. **The Summer Mask Flyer does not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule. [Principle 1: Rule 1(c)].** The Summer Mask Flyer is designed to engage readers to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings on public transport and domestic flights are “the right solution”.
 - b. **The Summer Mask Flyer does not cause fear or distress without justification. [Principle 1: Rule 1(g)].** Again, the Summer Mask Flyer is designed to engage readers to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings in certain situations¹ including public transport and domestic flights are “the right solution”. Any feelings as referenced are justified given the potentially negative ramifications and importance of ensuring that people are fully informed and educated to make a fully informed decision on whether to wear a mask or not.
 - c. **The Summer Mask Flyer does not undermine the health and wellbeing of individuals. [Principle 1: Rule 1(h)].** Full knowledge of the pros and cons of the mask wearing enables individuals to decide what risks they wish to take and the best health outcome for them.
 - d. **The Summer Mask Flyer does not mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge. [Principle 2: Rule 2(b)]** It is not an objective of the Summer Mask Flyer to provide a balanced reporting overview of the pros and cons of mask wearing. As clearly stated on the Flyer, it's about asking them to think more deeply about mask wearing with a list of facts for consideration and asking them to consider whether “mandatory” coverings in certain situations including on public transport and domestic flights are “the right solution”. There is also information provided about the exemptions allowed for under

¹ “Certain situations” is now much broader and more complicated than was previously the case when our flyers first went to print. The face covering rule now applies (in “Orange” and “Red”) to much more than public transport and domestic flights but has been extended to airports, retail businesses or services, most public facilities, service stations, pharmacies, veterinary services, health services, courts, NZ post, government premises, council premises, police premises, workers in hospitality services and more. Even under a “Green” traffic light regime (which we have been advised by government officials is “not in our foreseeable future”) masks will still be required in certain circumstances unless exempt.

NZ law which are purposefully drafted very broadly whilst rarely being spoken about.

The Summer Mask Flyer does not have space to print every single URL to references for claims made, and nor would this be a satisfactory solution in any case. Instead, the Flyer features a QR code that takes the reader to the claims' source. There is also a link provided www.voicesforfreedom.co.nz/mask-facts on both sides of the Flyer which likewise takes the reader to the reference materials.

- e. **For the convenience of the Board, we have set out below (paragraph 50) additional references to the facts set out in the Summer Mask Flyer.** We encourage you to review these as there are new updated collated materials. The links are too numerous to set each out one individually but a particularly good collection is found at: <https://swprs.org/face-masks-and-covid-the-evidence/>
- f. **We stand by the validity of the references we have provided.** In addition we draw your attention to the blog post² www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong one of many blog posts written independently of Voices for Freedom responding to claims to have "debunked" our previous flyers to the extent that the earlier claims/decisions have any relevance to the materials currently under consideration.
- g. **Our identity and position has been clearly stated on the Summer Mask Flyer along with our contact details. [Principle 2: Rule 2(e)].** The flyer contains a series of factual statements, and all statements are substantiated as set out in this letter.
- h. **The Summer Mask Flyer does not contain or refer to any personal testimonial and nor does it claim endorsement by any independent agency. [Principle 2: Rule 2(f)].** The Summer Mask Flyer simply makes it clear that the ASA has confirmed that all claims in the flyer were adequately substantiated according to requirements.

PRINCIPLE 1: RULE 1(c)

14. Principle 1: Rule 1(c) states that:

Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

² <https://www.covidreferenceguide.com/why-helen-petousis-harris-is-wrong>

15. The Summer Mask Flyer does not (for the reasons set out in this section and elsewhere in this letter) contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.
16. It is designed to engage readers to think more deeply about the wearing of masks in respect of SARS-CoV-2 viral infections. It provides education to the public about known and possible risks associated with mask wearing in this context with a list of statements for consideration under the heading “Did You Know?”.
17. We do recognise that that the information may be challenging for some people. To the extent that any reader alleges they themselves have taken serious offence to the flyer, then the importance of ensuring that people are fully informed and educated to make a truly informed decision about an important medical procedure would justify these emotions.
18. (We certainly do not accept that the Summer Mask Flyer is giving rise to hostility, contempt, abuse or ridicule *against* others. To the extent that any readers themselves are expressing feelings of hostility, contempt, abuse or ridicule towards Voices For Freedom as a result of the flyers then again, we consider such emotions to be justified by the importance of ensuring the public is fully informed.)

PRINCIPLE 1: RULE 1(g)

19. Principle 1: Rule 1(g) states that:

Advertisements must not cause fear or distress without justification.
20. The Summer Mask Flyer does not cause fear or distress without justification for the reasons set out in this section and elsewhere in this letter.
21. Again, the Summer Mask Flyer is designed to engage readers to think more deeply about masks. It provides education to the public about known and possible risks associated with mask wearing and a list of facts for consideration asking them to consider whether “mandatory” coverings in certain situations including on public transport and domestic flights are “the right solution.
22. We recognise that the information may be challenging for some people. However, where the emotions referenced in the Rule attributed to the Summer Mask Flyer, the importance of ensuring that people are fully informed and educated to make a fully informed decision about an important medical procedure would justify these emotions.

PRINCIPLE 1: RULE 1(h)

23. Principle 1: Rule 1(h) states that:

Advertisements must not undermine the health and wellbeing of individuals.

24. Our Summer Mask Flyer does not undermine the health and wellbeing of individuals.

25. On the contrary, the Summer Mask Flyer ensures that individuals are fully armed with the information they need in order to consent to wearing a mask. Full knowledge of the pros and cons of the mask wearing enables individuals to decide what risks they wish to take and the best health outcome for them.

26. This is particularly important when dealing with a medical procedure that is being mandated on millions of adults, youth and young school children and even more so when it is being mandated for healthy adults and children.

27. There has been an enormous quantity of information provided over a sustained period from both the Media and the Government claiming positive reasons for mask wearing. Essential information about the limitations in efficacy, potential health risks and environmental consequences has been sparse to non-existent.

28. Our Summer Mask Flyer is designed to address the current imbalance, thus providing the best chance for individuals to demonstrate self-responsibility regarding their well-being.

PRINCIPLE 2: RULE 2 (b)

29. Principle 2: Rule 2(b) states that:

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.

30. The Summer Mask Flyer does **not** mislead, nor is it likely to mislead, deceive or confuse consumers, nor abuse their trust or exploit their lack of knowledge.

31. There is a clear and simple method to access the information backing up every claim.

32. There is not the space to print every single URL to references for claims made and nor would this be a satisfactory solution in any case as the links to the information in many cases are long and complex. The only practical way to provide access to them is online.
33. To this end, we made every effort to make it as easy as possible to view those references by providing a link in large font prominently on both front and back of the flyer www.voicesforfreedom.co.nz/mask-facts which takes the reader to the reference materials. In there is also a QR code on the back of the flyer which takes the reader to this same web page.
34. Please visit this link to see the studies that substantiate our six statements. Additional supporting studies and observations are linked to below.
35. This is all very reasonable and follows the usual practice in terms of making references easily accessible. Readers can click on the QR code or manually type in the Voices For Freedom URL details to ascertain the sources provided.
36. Thus, it is clear there is no intention to mislead, deceive or confuse the public, abuse their trust or exploit their lack of knowledge.

Mask Exemptions

37. The Mask Flyer provides information about the exemptions allowed for under NZ law which are purposefully drafted very broadly (and yet for some reason promoted barely at all). There is reference to the exemptions in the 6th point on the flyer, in the footer and on the back of the flyer with the Covid Order clause that was applicable at the time of going to print.
38. There is now a new Order in place to cover the “Traffic Light system”. The substance of the exemption printed on our flyer remains the same. You can read the [relevant clause current at time of writing this response](#).
39. This government website has a summary of the exemptions:
<https://covid19.govt.nz/prepare-and-stay-safe/keep-up-healthy-habits/wear-a-face-covering/who-does-not-need-to-wear-a-face-covering/>
40. The reality is, the way the exemptions are drafted, there is not a single person in New Zealand who could not qualify to be exempt from wearing a mask (face covering). So we would be well within our rights to point this out to the NZ public. However, we in fact took a more conservative approach, inviting the reader to ascertain for themselves “Do you qualify for a mask exemption?”

41. Following this route they are then invited to learn more and, if they then consider, (based on information shared with them via email) that they qualify for a mask exemption they have a link to request an official exemption card.
42. The various public links to download a card were removed from the internet during the first week or so of the lockdown in August 2021 causing great confusion. All previous cards remain in circulation which are identical to those which are now required to be “requested”.
43. Various government websites also confirm (as per what is indeed clear from government Orders) that the use of an exemption is self-regulating. A person claiming to be exempt is able to do so simple by stating “I am exempt” and is:
 - a. Not required to disclose the reason for their being exempt;
 - b. Not required to carry an official exemption notice;
 - c. Not required to carry any exemption notice; and
 - d. Not required to have a medical certificate.

PRINCIPLE 2: RULE 2 (f)

44. Principle 2: Rule 2(f) states that:

Advertisements must not contain or refer to any personal testimonial unless permission to use the testimonial has been obtained and it is verifiable, genuine, current, and representative of the typical not the exceptional.

Advertisements must not claim or imply endorsement by any individual, government agency, professional body or independent agency unless there is prior consent and the endorsement is current and verifiable.

45. The Summer Mask Flyer does not contain any personal testimonial and does not claim to be endorsed by an individual, agency etc.
46. The Flyer does not claim endorsement by any one or any entity. (To the extent any such endorsement is implied then it is current and verifiable and implicit in any decision made by the ASA that a party to that decision must be able to make public the ruling made.)
47. Rather, the Summer Mask Flyer simply includes statements that the an independent agency (the ASA) has made certain representations in respect of certain parts of the Flyer: specifically the six statements that are its feature.
48. These six statements are verbatim as are set out in the Original Mask Flyer. The claims and the references to back them up as well as the ASA decision for case

21/318 (“the ASA Decision”) are set out on our website at <https://www.voicesforfreedom.co.nz/mask-facts>.

49. In the Summer Mask Flyer, directly alongside these claims, is written the exact language taken from the ASA Decision on the Original Mask Flyer in respect of such claims answering the question as to “*Were any of the statements in the leaflet misleading*”.
50. The relevant holding by the ASA in the ASA Decision is reproduced by way of a direct quote:

“The Complaints Board agreed that none the six statements made in the advertisement were misleading, because they had been adequately substantiated in the context of advocacy advertising”.
51. The words “A.S.A. ALL CLAIMS SUBSTANTIATED” appear alongside this quote.
52. As such, the Summer Mask Flyer sets out factual information which is that the ASA has confirmed that all claims in the flyer were substantiated. Further clarification is provided in the flyer with the direct quote from the ASA spelling out the exact conditions upon which the claims were found to be substantiated.

ADDITIONAL REFERENCES

53. In addition we can refer you to the following:
 - i. A comprehensive overview of the current evidence regarding the effectiveness of face masks: <https://swprs.org/face-masks-and-covid-the-evidence/>. This includes [a detailed rebuttal of the Bangladesh study](#) referenced in complaints 7 and 11.
 - ii. A New Zealand made video that comprehensively explains many of the points in our flyer: <https://odysee.com/@voicesforfreedom:6/Challenging-Epidemiologist-Michael-Baker-on-Face-Masks---Mass-Masking:9>
 - iii. An excellent succinct video on masks looking at absolute and relative risk analysis from an emergency room doctor: <https://odysee.com/@voicesforfreedom:6/Dr-Chris-Milburn-On-The-Efficacy-Of-Masks:0>
 - iv. Video featuring our own Prime Minister and her ‘experts’ discussing masks and lack of effectiveness: <https://odysee.com/@voicesforfreedom:6/face-mask-logic-%28nonsense%29-from:5>

- v. Two minute video on kids and masks:
<https://odysee.com/@voicesforfreedom:6/mask-mandate-madness:8>
- vi. A recent [Official Information Act enquiry](#) response confirmed that:
*“Maintaining the requirement for face coverings on public transport in Alert Level 1 provides wider benefits that support the overall response to the pandemic. For example, **face coverings are a constant reminder of the ongoing threat posed by COVID-19 and will help prompt people to be more vigilant about other important behaviours**, such as physical distancing, scanning and using the New Zealand COVID Tracer App, hand hygiene and coughing and sneezing etiquette.”*
<https://dpmc.govt.nz/sites/default/files/2021-04/cab-20-min-0477-mandatory-masking.pdf>
- vii. An October 2021 review of relevant literature from an Australian website:
<https://www.news.com.au/technology/science/human-body/its-crap-victorian-study-claiming-mandatory-masks-stopped-second-wave-shredded-by-experts/news-story/aeb937d27ec5a79e6b728ade598f49ab>
- viii. <https://childrenshealthdefense.org/the-science-of-masks/> a blog post with a reputable organisation which links to hundreds of articles and studies backing up statements made in our flyer.
- ix. Another resource put together by group of diverse professionals including doctors, scientists, epidemiologists looks the ineffectiveness of masks, mask harms and particularly the negative health consequences for children wearing masks <https://www.pandata.org/infobank-masks/>.
- x. A short article which summarises shortcomings of masks including points we cover in the Flyer: <https://swprs.org/the-face-mask-fully-in-retrospect/>
- xi. Another comprehensive critique of mask studies:
<https://eugyppius.substack.com/p/most-mask-studies-are-garbage>
- xii. Only just this month the UK government has released a new “Evidence Summary” looking at the use of face coverings in education settings. The BBC <https://www.bbc.com/news/health-59895934> looks at the study finding “it did not provide proof of a statistically significant impact...The government admits the evidence for using masks in schools to reduce spread of Covid is ‘not conclusive’.”

54. By way of specific rebuttal to a study³ referred to as supporting that typical mask wearing *does* reduce SARS-CoV-2 infection rates we note that the study in question was an observational study. Trials with randomisation are generally considered stronger evidence, since they account better for other factors between comparison groups ('confounders' in the trade). The Danish mask⁴ study referenced by us in respect of our first statement in the Flyer was a trial that produced such evidence and it showed no benefit from masks.
55. And in rebuttal to commentary on the efficacy of the masks in respect of particle size we continue to refer to our website materials and in addition materials set out above and the study⁵ below.

CONCLUSION

56. The information we provide never makes it into mainstream news, media or government promotions. The public is not exposed to a balanced conversation, pros and cons, the big picture of risks, potential risks, or any other limitations on mask use.
57. There is no full and transparent information from the authorities or media to ensure a genuine informed consent process. We consider it an indictment on the system

³ Complaint 18 second case cited. Complaint 20 various citations we address on our website page. In addition we note that in respect of our first statement we are speaking about "typical mask wearing" – the author can confirm from personal experience observing people for only ten minutes on the corner of a street in downtown Auckland (an area where masks are being widely used) to see that a majority of masks are being worn under chin, under nose, carried scrunched up in hands, in and out of pockets, over beards etc and that a significant proportion (if not majority again) are wearing cloth masks. In respect of the particle size references substantiating this claim are on our website and in the additional materials.

⁴ <https://www.acpjournals.org/doi/10.7326/M20-6817> is a Danish randomized controlled trial with 6000 participants, published in the Annals of Internal Medicine in November 2020, found no statistically significant effect of high-quality medical face masks against SARS-CoV-2 infection in a community setting.

⁵ We note in particular the following study <https://aip.scitation.org/doi/10.1063/5.0057100> "*Experimental investigation of indoor aerosol dispersion and accumulation in the context of COVID-19: Effects of masks and ventilation*": "The baseline filtration characteristics for the various masks tested in this study indicate that more than 50% of aerosols (polydisperse, 1 μm mean diameter) can pass through the material of commercially available cloth and surgical masks in ideal conditions (zero leakage due to fit), whereas ideal filtration efficiency is 95% (or higher) in the case of KN95 and R95 masks ... Flow visualizations and velocity measurements in the near-field (immediate vicinity of the face) indicate that none of the tested masks is performing at their ideal filtration efficiencies due to leakages through gaps in the fit of the mask. This occurs around the cheeks, below the jaw, and at the bridge of the nose, with the latter being the most significant for all masks. Aerosols are seen to escape through these leakage sites in the form of concentrated particle clouds that do not mix quickly with the ambient air on account of relatively low flow velocities and hence low levels of turbulent mixing. The degree of leakage varies between masks, with high-efficiency masks, such as the KN95, performing better. Factors affecting leakage at the mask perimeter include mask geometry, strap style and elasticity, and whether or not the mask is equipped with a deformable nose piece that can be tightly shaped to the nose. ... The results show that a standard surgical and three-ply cloth masks, which see current widespread use, filter at apparent efficiencies of only 12.4% and 9.8%, respectively. Apparent efficiencies of 46.3% and 60.2% are found for KN95 and R95 masks, respectively, which are still notably lower than the verified 95% rated ideal efficiencies."

that a grassroots movement such as Voices for Freedom has had to take up that charge independently.

58. It is clear from the complaints that receiving this information has been new and challenging for some recipients. We note that one complaint in its entirety is that we are “twits spouting nonsense”. Others apparently believe the information is “dangerous disinformation” and “misleading information. Yet every statement in the flyers is backed up. In many cases, directly from government sources, including the NZ government.
59. At Voices for Freedom, we welcome rigorous debate and respectful, bold conversations. Only when information about all of the potential risks is widely available can we have an open discussion about the Covid response including the mask mandates. Many people are rushing to comply without access to all the information.
60. NZ law requires that individuals are provided with the information they need to make a fully informed choice.⁶ Without full robust dialogue, that cannot happen.

Yours sincerely



Claire Deeks

Co-Founder Voices For Freedom

Website: www.voicesforfreedom.co.nz

⁶<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>