

# Lies, defamation, deceit and incompetence...



**Political advertising sewage discharged over voters in the 2023 local elections.**

**May 4th 2023**



## Structure

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3. The Liberal Democrats
4. The Conservative party
5. Commentary

### 1. Introduction and summary

This is our fourth review of electoral advertising and if the type seems a little heavier and the tone a little angrier, it's because the keyboard is being hit a little harder and the writers are indeed a little madder. As a brief reminder, those writers are from [Reform Political Advertising](#), a non-profit, politically neutral organisation which does, or tries to do, what it says on the tin.

After several years of reviewing excruciatingly poor political advertising, when we might reasonably have assumed the base finally has been reached, politicians have found a way to dig for a new nadir. In this case, the most significant development from previous campaigns is the arrival of the Labour party as a fully-fledged dirty advertiser, just when we were thinking ♪ things can only get better ♪.



(The ad above is reviewed in full in section 2)

In previous reviews, the principal opposition party had only been playing at the electoral advertising game – a little lie here, a dodgy stat there and even some shockingly truthful ads – but they had not really seemed fully to embrace the idea that no campaign can be considered ‘cut-through’ unless liberally sprinkled with some highly offensive whoppers.

So, welcome to the sewage pipe of electoral advertising, Labour – where have you been all this time? A word of caution now that you're here: don't try any stuff with risibly inaccurate bar charts – that's Lib Dem territory. And the Conservative party, shown appropriately as ‘Cons’ in Lib Dem bar charts (a double whammy when the bar chart itself is a con) own ‘identity politics’, defined in this context as lying but pretending to be someone of authority and objectivity when actually the lie turns out to be – if you take the trouble to check, which you can't or won't – from the party of government.

The following pages set out the worst examples of current vote-seeking advertising in the shape of leaflets and digital ads in various forms. This is far from an exhaustive appraisal of what's out there, more of a selection of what has been sent to us by supporters around the country. We think you'll find it's quite enough to convince any reasonable person that the sooner this sewage is treated, the better.

By that we mean that the recommendations of a House of Lords Committee in June 2020 – that a code of conduct addressing factual content of electoral material is agreed between political parties and administered by the ASA, Ofcom and the Electoral Commission – should be

implemented before the next General Election. The government response to an eminently reasonable proposal was to evoke free speech, when it is only 'fundamentally inaccurate' material proposed to be in scope: opinion or policy or principles, no matter how offensive to some, would be untouched, as they should be.

The situation has become ridiculously dire: the electorate is literally awash with grossly misleading advertising from the major political parties, all in the context of a) promises from the Conservative leadership of 'integrity and professionalism', b) the Labour party's Respect agenda and c) a March 2023 Code of Conduct from the Lib Dems that includes a commitment for members and supporters 'at all times to behave lawfully, honestly and with integrity. 'Er, except when seeking your vote. This is dishonesty on an epic scale: hundreds of millions of artfully or clumsily delivered lies to an electorate unprotected by regulation of any meaningful kind.

A final irony is that in practical (versus political) terms, regulation of factual content in political advertising is relatively easily enacted. We're pretty good at advertising regulation in the U.K.: the ASA, highly regarded and frequently referenced as 'world class', has confirmed it is 'ready to help,' subject to the political will to remove this license to lie.

And there is, at last, a sign that such political will is emerging. Just a day ago at the time of writing, Carla Denyer - co-leader of the Green party - confirmed the party will sign an advertising code of conduct and challenged other parties to do the same. Who better than the Green party to improve an abused environment, but the main polluters must first recognise the damage that is being done to their own reputations, to politics generally and to the democratic process in particular.

Let's clean up this act.

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The following sections review some of the advertising from each of the main political parties. Leaflets have been provided by supporters or friends; digital ads are largely taken from the Facebook ad library whoops library or borrowed from Twitter.

## 2. The Labour party

We reference earlier the arrival of the Labour party into this malodorous arena with the 'attack' ad that references Rishi Sunak's 'endorsement' that those who sexually assault children should not serve prison sentences. Here's the ad again, so that it can be read – the literals are important:



This advertising/ publicity has attracted much commentary, most of it focused on the subject matter of child sexual assault, the 'ad hominem' nature of the approach, its credibility and the dissenting voices from within and without the Labour party. It has been analysed ad nauseam,

so to speak, from a political perspective and, to an extent, from a communications perspective, but there's been precious little discussion of how voters might react.

So let us imagine the focus group of swing or uncommitted voters who are shown the ad. We suggest that the reaction of most would be something along the lines of: "Doesn't he? Surely that can't be right." Whether they get much further than that immediate reaction, or whether they see it as another dubious political ad, is a different matter, but we advise not to take bets against a high level of disappointment in this form of campaigning.

Surely, the critical point is that the ad is, above and beyond any other issues of taste, of ethics, of political direction or management, simply grossly misleading.

While content of electoral advertising has not been regulated since 1999, when the ASA 'retired hurt', let's suppose for a moment that the ad was subject to the rules that apply to commercial advertising. The CAP Code provides under rule 3.7: 'Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation.'

We really don't know how the ASA might deal with the ad if it was to be in its scope, but we suggest that Labour party evidence that Rishi Sunak 'doesn't think that adults convicted of sexually assaulting children should go to prison' might be a little on the slim side. That is the claim being made in this ad and no amount of explanatory context or positioning, from any source, can alter the fact that that is what is written on the page. And aside from what he may or may not think, it has been established that Rishi Sunak was not part of the process of establishing the sentencing guidelines to which the ad relates.



Bathed in glory, or something, the Labour Party have followed up in the same genre of personal accusation with no supporting evidence, with a series of ads that directly accuse the Conservative party MP subject (in this case, pointing the finger at Johnny Mercer, not a man to point a finger at if you wish to retain said finger) that they 'think it's right to allow raw sewage to be dumped into' (insert local river here) and go on to claim that the MP 'voted against' Labour's plan to end the 'Tory sewage scandal.' This is an extensive campaign with a considerable budget behind it.

Whatever you might think of the government's management of the sewage problem, and it seems difficult to escape a conclusion that it's been woeful, that doesn't mean that in criticising it the facts can be manipulated, or personal behaviours assumed. Nobody 'thinks it's right' that raw sewage should be dumped in rivers. The MP or party concerned may have failed to fix a serious problem and might be held responsible, but that's not the statement in this case.

Additionally, MP X didn't 'vote against Labour's plan.' Our understanding is that a Labour party opposition day motion was amended to remove the element that permitted the opposition to

change the law, while backing the points of substance. The Labour party subsequently abstained, as it was no longer 'their' motion. It would probably be reasonable to have claimed that the plan was sabotaged, but - again - that's not the claim in the advertising.

We should add two further points for context, as we are well aware that some commentators or even some authorities might regard the second ad in particular as 'fair comment': that the ad's broad point that the Conservatives have failed to manage the water industry's 'output' is reasonable.

It's the way in which the ad makes that point that we contend is wrong. We have no issue with 'attack' ads per se; they're an essential part of the political advertising landscape and have been for a very long time. This ad's claim, however, is that a particular MP 'thinks it's right' that raw sewage should be dumped into his or her local river and 'voted against' Labour plans.

If that individual was anyone other than a politician, then we suggest that an injunction would follow in short order. (Incidentally, the Representation of the People Act 1983, Section 106, does permit action against 'any false statement of fact in relation to the candidate's personal character or conduct', so we may yet see proceedings, but we doubt that will happen because of the rich opportunity for counter claim). As with the 'Rishi' version of this campaign, we do not believe that documentary evidence is available to support the 'thinks it's right' assertion and 'When making an objective claim you should, as always, make sure you hold documentary evidence to support it before running the ad.' (CAP Guide to comparative advertising, February 2021)

We understand and respect that political cut and thrust, in parliament and in general exchange, can often be personally offensive and accusatory, but this is paid advertising which is a channel that plays to different rules and to subvert those is to subvert advertising. Not to mention elections.

Finally, in case we are thought to be unduly picky on the issue of the parliamentary procedure that saw off the opposition day motion, we point to the myriad [ASA rulings](#) that demand precision in environmental and comparative advertising in particular. Near enough isn't good enough.

### **3. The Lib Dems**

We have reported on dodgy Lib Dem bar charts until we're yellow in the face and of course, as with almost all interchange with politicians or party leadership (if one-way traffic can be described as interchange) the response seems to be to double down on efforts to mislead voters locally or nationally.

It's beyond us why the Lib Dems should choose to behave in this way. Of the three main parties they are probably thought to be encumbered with less political baggage, yet they seem to be determined to damage that fragile reputation with representations that can be manipulative and deceitful, or in some cases just laughable. But these are hard-faced attempts to cheat voters, and that's not particularly funny in our book. A couple of examples follow; if we were to review their total output we would probably conclude long after the next General Election.



Every now and then an LD bar chart comes along that astounds even cynical old campaigners like ourselves. Councillor Sangar of Sheffield provides a particularly offensive example.

The voters of that fine city are presented with a classic of the Lib Dem genre with a Labour's bar alongside a slightly less big Lib Dem yellow bar. The number of councillors 'last time' is shown correctly at 39 and 29 respectively. We then plunge to 'Con', appropriately, with one councillor, also correctly recorded. We are further advised that the same Cons 'finished third in our area last time.'

This might come as something of a surprise to the voters of Sheffield, not to mention the Green party there, which claimed 14 seats last time. As far as we are aware, 14 shades it over 1. The intent of the leaflet, of course, is to turn the vote into a two-horse race; any means by which Green votes can be reduced, including misleading by omission, similarly reduces the chance of a Labour/ Green alliance and controlling position.

We wrote to Lib Dem management about this example as it seemed particularly poor, but received no reply, an issue to which we will return.

The leaflet that follows was distributed in Guildford. It takes a different approach versus the Sheffield example and we can hear already the case for the defense that may be made: in short, that it is arguable whether the claims made are inaccurate. That may even be the case, but they are in our eyes insufficiently accurate and certainly misleading:



The results shown are from the 2019 General Election. Voting patterns can be very different in general vs. local elections as the Lib Dems will be well and possibly painfully aware, so the first issue is that it is in our view misleading to cite those results without full explanation. As far as we can establish, though the source material is difficult to read, it was not made clear that positions related to the General Election. We believe the leaflet referenced the results as 'at the last election,' though we are ready to be corrected on that particular front.

The positions in the council are rather different to those from the General Election. The May 2019 borough election returned 17 Lib Dem seats and 9 Conservative. The Residents for Guildford and Villages (R4GV) produced 15 seats. These results would provide a very different and, to voters, rather more relevant bar chart. The 'distant third' in this context would actually be the Guildford Greenbelt Group.

We assume that the purpose of this misrepresentation is to encourage Lib Dem votes by providing the impression that the Tories are dominant and, as with the thrust of the debate at a national level - reflected by the 'choice is clear' categories - should be sent a message and votes should go to the plucky challenger Lib Dems.

This Lib Dem technique of presenting a false, or insufficiently complete, picture of voting patterns is one that is repeated in all parts of the country, sad to say. Several examples which we have already reviewed are from Cambridgeshire, where the Lib Dem bar chart maker has been working overtime. Cherry Hinton, the place, also takes what looks like [a deserved kicking](#). It's possible that the Lib Dems simply can't manage the process of control and co-ordination of national and local roles due to insufficient resource. We're not sure that's a great excuse if they wish to 'prepare for government' and we anyway suspect that the Del Boys of Vincent Square can't resist flogging us a few dodgy bar charts.

As the Lib Dems have not engaged on this issue, until electoral advertising regulation happens, voters must continue to endure this nonsense. Meanwhile, we can only suggest that votes don't go to councillors who aren't straight with you.

#### 4. The Conservative party

The gift that keeps on giving, despite promises to the contrary. There are two aspects to this thankfully relatively brief review of Conservative Party efforts to sully this election with their regular desperately low standard of electoral advertising.

The first is from the 'con' element of their campaigning, in this case the 'Hereford Champion' published and distributed by the Conservative party of North and South Herefordshire.



This is the logo of the local paper:

## Hereford Times

Hereford Times editor John Wilson said of 'The Champion': "Publications like this are nothing more than party political propaganda. But in deliberately mimicking the look of an independent local newspaper they undermine trust both in politicians and objective journalism. They are deeply damaging and should be banned." Mr. Wilson, we couldn't agree more.

Mr Hurcomb (Chair, Conservative local association) said the publication was a Conservative campaign headquarters project where the templates on offer were predetermined. Oh, that's all right then.

This shabby impersonation of a respected local paper is probably no surprise: for decades, politicians have been ripping off their local news services and burying their names in tiny type under a heap of dubious or outright untrue claims while wrapping themselves in a cloak of borrowed credibility.

A supporter was good enough to mail us the actual 'newspaper', which allows us to look at it as a recipient might, rather than seeing a digital copy. In publications of this kind, there is a legal requirement to include a promoter's name and address; that requirement is delivered, but in type so small as to be essentially invisible (the strip at the base of the page below). There is no stipulation that ID should be prominent or sufficiently visible to be 'legible at a glance'. Such requirements exist in many commercial sectors.





We spent a bit of time on the real Hereford Times online site. There we learnt, from an article of 2<sup>nd</sup> May 'Herefordshire election: what is the current state of the parties?' found [here](#), that in the context of the Western bypass plan, Coun Elissa Swinglehurst (Conservative) said: "Either choice will have environmental costs. But if the Lugg Meadows are touched, I will lie in front of a bulldozer." It's reassuring to know that bulldozers receive the same treatment as voters.

### What's in the water in North Tyneside?

The second example of the 'Con' aspect of campaigning is from North Tyneside, which appears to be a hotbed of Conservative councillors with a loose relationship with integrity. Around the May 2021 elections we commented on a series of grossly misleading posts by Councillor Liam Bones, who ran or organised or contributed to a website and FB page 'North Shields Life', describing itself as a 'news and media' website: the news is exclusively pro Conservative, or attacks the Labour council. There was no identification that this was - and as far as we can establish remains - a website/ page whose role was to promote candidacy or party.

At that time, we made a formal complaint to the council, which was rejected on the grounds that the associated claims had been made before Mr. Bones was appointed and therefore did not qualify for review, despite the claims continuing to run and to be amplified after Bones' election. We think it right to add that our complaint was professionally handled; we had what appeared to be a fair hearing, even if we disagreed with its conclusion.

In July 2022, the council secured unanimous approval of a motion 'to restore "honesty, integrity, and respect" into local politics following a series of campaign scandals' (from the Chronicle, July 2022). The vote was unanimous, the observation of the resolution clearly not so.

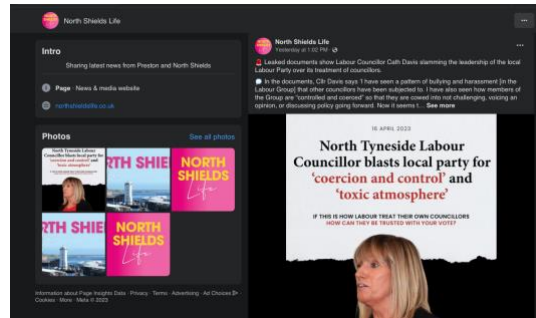
Here (below) is an extract from the latest fiercely objective publication from the area: 'North Shields Matters'. We have written to Councillor Bartoli asking for an explanation of the lack of identifying messaging. We're not holding our breath.



'North Shields Life' (NSL) meanwhile continues to appear as a Facebook page. NSL purports to be a news/ media website when it seems rather more to be a vehicle for the distribution of partisan material, some of which [has been found](#) to have breached the council's code of conduct.

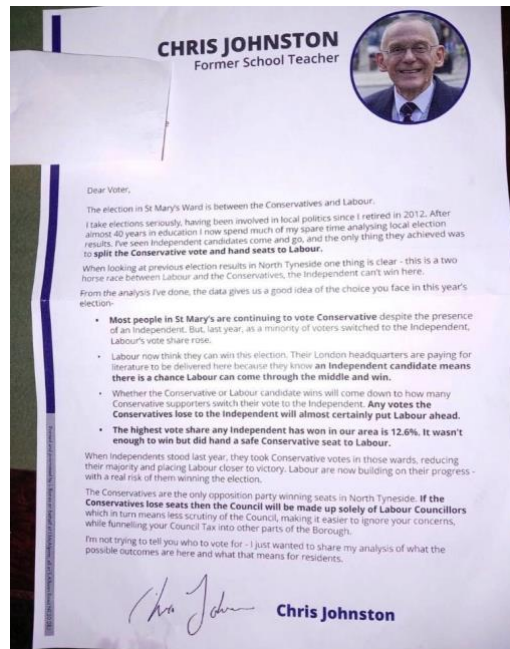
The April 2023 reference on the NSL website below is to a Labour councillor's apparent travails. It is probably accurate in the sense that the events may well be correctly reported; the issue is whether it is sufficiently clear to readers that this story is from, or managed or arranged by a Conservative councillor.

It is our view that such activity qualifies as electoral campaigning and therefore should meet the requirements of the Elections Act 2022 in that the pages should carry identification of promoter and candidate. We were unable to trace such identification.



Either we're getting a bit paranoid at Reform Political Advertising, or identity politics has taken on a whole new meaning in North Tyneside. The letter shown below is from 'former schoolteacher' Chris Johnston. It points out the dangers of voting for an independent versus the Conservative candidate. This couldn't possibly be the same Chris Johnston who is a conservative councillor himself, could it? We only ask because that reasonably significant issue isn't mentioned in the letter, yet there is a councillor of that very name who bears an uncanny resemblance to the retired schoolteacher of the letter. These are astonishing coincidences, no doubt.

It seems like a nice irony that this is the first election that, thanks to the provisions of the Elections Act 2022 again, requires voter ID to be shown. It may not be unreasonable to suggest that voters might first require that candidate ID is shown?





## Councillor Chris Johnston

Party: Conservative

Ward: Tynemouth

Other councillors representing this Ward:

- [Councillor Lewis Bartoli](#)
- [Councillor Sarah Day](#)



You could at least have taken your glasses off for the photo, Chris. Worn a wig, whatever. But enough of North Tyneside, and we suggest that voters will feel the same sense of huge frustration that these petty shenanigans continue to happen, either because of the lack of council or association control of the behavior of their membership, or the hopeless absence of proper regulation, or the sheer deceit and conceit exercised by the perpetrators. Or maybe all three.

We said earlier that there are two aspects to Conservative campaigning that gave us cause for concern. The first, covered to the extent possible above, addresses the party's tendency to be a tad economical with the actualité. The second, manifested in the Norwich leaflet below, is about the *competence* of their communications management.

In the face of some pretty bitter opposition, the Elections Act 2022 got over the line in April of that year, its principal measure, per above, being that voter ID is now required to be shown before putting your X in the box, or spoiling the ballot paper if that is your wont. This clearly came as news to the conservative councillors or candidates for Norwich, who informed voters that no such ID was required.



Opposition to the bill referenced above was largely on the grounds that its effect would be to disenfranchise a significant number of voters who do not, shall we say, naturally orient towards the party in power. Mostly Labour party voters, it seems reasonable to assume. Norwich City Council is Labour led and controlled. So, scenario 1: an insidious attempt to suppress votes.

The Conservatives have since reportedly apologised for 'a terrible mistake' and that leaflets - 'provided by Conservative Central Office' - have been destroyed, though presumably it will be challenging to destroy those already delivered. So, scenario 2: a genuine error, albeit with serious consequences.

How you judge which situation applies may depend on your political affiliations. As we don't have any, we are free to say that in this context the incompetence concerns us more. This is far from the first time that CCO/ CCHQ have shown that when you detach information from operation, you cock up. See also in this context the Hereford Times example above.

This problem - incompetent communications management - also seemed alive and well in the Labour party at the time of the release of the 'Rishi protects paedophiles' ad. It was reported that Keir Starmer hadn't even seen the ad before its appearance and the same appeared to be true of the Shadow Home Secretary, if the death stare directed at journalists who asked was any indication. Back when we were running ads that could have been controversial, rule no.1 was make sure the grown-ups knew beforehand, or start finessing the CV. Still, the ad was only accusing the Prime Minister of protecting paedophiles and defending the indefensible is what politicians do.

Perhaps avoiding both the insidious and the incompetent work is too much to ask, of any major party.

## 5. Some further and final commentary

As we indicated earlier, the preceding pages are a small sample from the mass and mess of misleading and untrue messages that assail us in May 2023. As we have also said, this is now the fourth review of election advertising since we opened with the 2019 General Election material.

Political events in the intervening years have been extraordinary and virtually unprecedented, much of them related to the integrity of leadership. We wrote [here](#) in July 2022, in the midst of the Conservative party leadership contest, to point out that trust was bust across the political spectrum and that both candidates should address the issue in policy terms, not in terms of personality statements. Policies such as the proper application of the House of Commons corrections procedure, so that personal fines are applied when it fails to be observed.

Policies such as the regulation of electoral advertising, as was recommended by a House of Lords committee, to whom we gave evidence, in June 2020. Our own reviews over the years have shown blatant lies and deceptions in Conservative and other parties' advertising, factual content of which is entirely unregulated and surely has a far greater and unchecked impact on voters than the reporting of political exchange in what can be party-aligned press titles.

So, what has happened since, in this particular context? Well, three things primarily:

1. Rishi Sunak, when (eventually) elected, promised 'professionalism and integrity;'
2. Labour party advertising accused Rishi Sunak of being responsible for insufficient application of custodial sentences for those convicted of child sexual assault;
3. Much of the advertising around the May 2023 local elections is lying piffle.

We recognise that there are more important issues, both for voters and for politicians, than political advertising. Perhaps that's the reason we have seen no regulatory moves, despite the recommendations of the House of Lords committee, despite the declaration from the ASA that it is 'ready to help', and despite the (admittedly very recent) commitment from Green party leadership to sign a code of conduct.

Many of the individual MPs to whom we speak, especially those in opposition (as might be expected), express agreement with the proposition that factual claims in electoral advertising should be subject to the terms set out by ourselves and other commentators and by the House of Lords committee in June 2020.

It is at the party level that negotiations, such as they are, break down, as the major political parties simply can't bring themselves to agree to regulation when the chance of the party of government doing the same is Slim, and we know where he is. In other words, they go low, so we must do the same. And sure enough, low they go, as the Labour party have so amply demonstrated in recent weeks.

We probably should accept that this government wish to cling to the raft that allows them to tell unchecked lies to the electorate. That is electoral advertising's allure to those who wish and can afford to exploit it: it is untrammelled by regulation and unchecked by voices who might intervene. In other words, try telling a porky to Laura Kuenssberg and see how you get on. As for advertising, it's a case of 'come on in everybody, the water's fine'. Not after you've shat in it, it isn't.

Unlike so much political advertising, we have some evidence for our assertion that this government makes declarations of integrity then delivers the grim opposite and in so doing encourages the transgression of others. In the Elections bill to which we have referred above, provisions under section 6, which deals with identification in digital material, do not require identification of the political party, but just the candidate (often unknown) and the promoter, also often unknown.

Those readers who have had the dubious pleasure of following our activities over the past years may recall that we have pointed out several transgressions from the Conservative party related to their identification, for example 'Fact Check UK' and Shaun Bailey's attempt when campaigning for London mayor to pass himself off as 'City Hall'. How could such contributions to

political debate not continue to be protected? Quite right, this is about free speech, after all. And look - it allows the same privileges in Tyneside as in Westminster. Now, that's what we call levelling down whoops up.

While we will write with some acidity (or perhaps insufficient, it's not for us to say), the truth is that much of the activity set out above actually pains us. It angers us as well, of course, but above all it pains us. Like most, we don't care for injustice; we don't care for the idea that elected representatives lie to those they are supposed or wish to serve and we don't care for the tone deafness or dismissive arrogance in response to an eminently reasonable case supported, incidentally, by nine out of ten voters. But what do they matter?

Such an attitude is not true of all politicians, of course. We admire many, but we wish to admire more, and we also wish to be able to respect a system that deals with the injustices we have described. Over the years, we have been obliged to become more strident in pursuit of such a system, to the point where we have been advised 'you can't go on like this'.

Indeed. We can't.

We close by thanking those supporters who were vigilant and good enough to send us much of the material that is featured in this paper. But be sure to wash your hands thoroughly.

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Reform Political Advertising May 4<sup>th</sup> 2023