

# Animal rights group asks high court to lift ban on 'political' broadcasts

- Amnesty and RSPCA back campaign for free speech
- European judges struck down similar Swiss law

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The ban on "political" advertising on radio and TV, which prevents thousands of campaigning organisations from airing their views through the broadcast media, will be challenged in a test case that goes to the high court today.

Animal Defenders International (ADI), whose My Mate's a Primate television ad was turned down for broadcast, will argue that the ban breaches article 10 of the European convention on human rights, which guarantees freedom of expression.

The case will be closely watched by not-for-profit organisations such as Amnesty International and the RSPCA, which have also had adverts rejected. If successful it could open the way for them to try to affect public opinion and raise funds through broadcast advertising.

The Communications Act 2003 proscribes radio and TV advertising by political organisations, defined as those whose main aim is "to influence public opinion on a matter of controversy". Even the finger-click ad from the Make Poverty History campaign was turned down for television and could only be shown in cinemas.

ADI, a peaceful animal rights campaign group, was told it could not advertise on TV against the use of primates by commercial companies for advertising and in zoos. If the high court declares that the ban is incompatible with article 10 it would force the government to change the law sooner or later, though ministers could delay taking action and wait for ADI to take the case to the European court of human rights in Strasbourg.

The Strasbourg court is almost certain to agree that the ban should be lifted because it has already declared a similar proscription in Switzerland a breach of article 10 in a case brought by an animal rights group. Campaigning organisations can now advertise freely in most other European and Commonwealth countries. In a three-day hearing, Lord Justice Auld and Mr Justice Ouseley will take evidence from Amnesty and the RSPCA about their experiences of the ban and from academic experts about the impact of television and radio advertising.

Tamsin Allen of the solicitors Bindman & Partners, which represents ADI, said: "The current ban on political advertising means that even campaigning organisations with no connection to any political party may not use broadcast media to raise money or to campaign on issues. This leads to unfairness.

"BP are permitted to advertise their green credentials on TV but environmental organisations are not permitted to criticise the oil industry for its role in climate change in the same media. We are hopeful that the challenge will succeed and open the way for thousands of organisations to advertise on TV and radio and to benefit from the new developments in interactive TV."

In the Swiss case an animal rights organisation wanted to show an ad depicting pigs in a pen, likening them to concentration camp victims, and exhorting the public not to eat meat for their own health and the animals' sake.

At the time Switzerland banned political advertising in the broadcast media but not the press.

The human rights convention permits states to interfere with freedom of expression if it is "necessary in a democratic society" to meet a "pressing social need". The Strasbourg judges, ruling that the Swiss ban was a breach of article 10, observed that "prohibition of political advertising which applies only to certain media, and not to others, does not appear to be of a particularly pressing nature". Switzerland has since lifted the ban.

The My Mate's a Primate campaign aims to highlight the main threats to primates - the bush meat, laboratory animal and pet trades, and the use of primates for entertainment.

Jan Creamer, ADI's chief executive, said: "The protectionist approach towards the public and public opinion, together with the imbalance in engaging the voice of broadcast advertising, cannot be upheld as necessary in a democratic society."