

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV-2014-485-11493

BETWEEN STRATHBOSS KIWIFRUIT LIMITED
First Plaintiff

SEEKA KIWIFRUIT INDUSTRIES
LIMITED
Second Plaintiff

AND ATTORNEY-GENERAL
Defendant

On papers

Minute: 6 October 2015

Reissued: 7 October 2015

MINUTE OF DOBSON J
(Content of press releases promoting the claims)

[1] On behalf of the defendant, Crown Law has filed a memorandum dated 1 October 2015 raising concerns at the terms of some of the promotional material publicising the plaintiffs' class actions. Those concerns were first raised with solicitors for the plaintiffs by letter dated 22 September 2015.

[2] My earlier minute directing publication of the proceeding stipulated that publicity in relation to the claim ought to make clear that allegations that the Ministry for Primary Industries had been negligent was, at this stage, a matter of opinion as asserted by and on behalf of the plaintiffs, rather than a matter of established fact.

[3] Among the items of concern to the defendant that were annexed to its memorandum was a press release in relation to the kiwifruit claim dated 11 September 2015. A spokesman for the plaintiffs is cited as saying:

According to the Government's own independent report by Sapere, the total losses associated with the Government's negligence in letting Psa-V into New Zealand were at least \$885 million.

[4] That statement is likely to lead readers to believe that a report commissioned by the government has found that the government was negligent in causing losses of at least \$885 million. The statement therefore treats negligence by the government in relevant respects as a fact established by a report commissioned by the government, when the Crown has denied negligence and it is an issue to be determined in the proceeding.

[5] The statement contravenes the direction I earlier provided, and it is to be withdrawn from the press release as issued on behalf of the plaintiffs forthwith.

[6] If necessary, I will hear the parties when the proceedings are next called on any consequences claimed to have arisen from this overstatement of the position.

[7] I direct that this minute is to be added to those Court documents available on the appropriate websites.

Dobson J

Solicitors:
Lee Salmon Long, Auckland for plaintiffs
Crown Law, Wellington for defendant