



CASE REPORT

Case No: K/028

Complaint: Allocation of public funds for alleged political advertising in print media

Complainant: Repubblika (NGO)

Complaint Date: 19 October 2020

Report Date: 17 March 2021

The Complaint

1. By letter dated 19 October 2020 (attached and marked Document A), Dr Robert Aquilina, in his capacity as president of the non-governmental organisation Repubblika, requested an investigation into the publication of a:

full-page advert featuring prominently the logo of the “Ministry within the Office of the Prime Minister” and, we presume, paid for by the same public office and featuring even more prominently a colour portrait of Minister Carmelo Abela. [...]

[...] We feel this action falls short of expected standards in public life because the advert amounts to a conflation between Carmelo Abela’s role as a government minister and his role as MP, using his influence on his Ministry’s budget in the first role to secure his confirmation to the second.

2. The advert in question appears as Document B. Two versions of the advert are reproduced, one as published in the *Sunday Times of Malta* on 18 October 2020 and the other as published in the *Times of Malta* the following day.



Decision to Investigate

3. Repubblika did not refer to any specific clause in the Code of Ethics for Ministers and Parliamentary Secretaries, which appears as the second schedule of the Standards in Public Life Act (chapter 570 of the laws of Malta) (the Act), as the basis for the alleged breach. However, in its letter Repubblika refers to conclusions previously reached in my reports on cases K/008 and K/010 which deal with the misuse of public resources for non-official purposes.

4. I shall therefore consider this complaint under the following provisions of the Code of Ethics for Ministers and Parliamentary Secretaries:

4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.

4.10 Ministers shall respect the principle of political impartiality of the public service.

5.3 Diligence – once Ministers administer public property, on behalf of the public in general, they shall exercise the highest level of diligence including in the expenditure of public funds, and they shall also work diligently and hard in the performance of their duties.

7.4 Ministers shall respect the impartiality of the public service and shall ensure that their influence on the public service is not abused. [...]

The Context

5. On Sunday 18 October 2020, most newspapers carried a full-page, full-colour advert, featuring a half-page photo of the Hon Carmelo Abela, Minister within the Office of the Prime Minister, and six points relating to the work carried out by his ministry. The advert was also carried by the *Times of Malta* on Monday 19 October 2020.

6. I have considered two previous cases in which it was alleged that public resources were being used by ministers for self-promotional purposes. The first of these cases concerned the use of public resources to administer a minister's personal Facebook page and to upload to it content relating to the



minister's official activities.¹ The second case concerned the use of public resources in the production of material for ministers' personal Facebook pages.²

7. In both cases I concluded that it was wrong for public resources to be used to administer a minister's personal Facebook page or to produce content for that page, even if the content concerned the minister's official activities. In the second case I also stated that official content should be produced for official channels, although it could subsequently be shared through private social media pages. I added that official social media channels should be clearly distinguishable from ministers' personal social media pages through the use of official logos and the absence of any personal logos, partisan political content, coverage of unofficial activities by persons holding state office, or the expression of their personal views.

Investigation Procedure

8. On 11 November 2020 I wrote to Minister Carmelo Abela (copy of letter attached and marked as Document C) providing him with a copy of the complaint, and requesting the following:

You are kindly requested to state:

- *whether this or any similar advertisements appeared in the Times of Malta on any other dates;*
- *whether this or any similar advertisements appeared in English or Maltese in any other publications, and if so, on what dates;*
- *what the total cost of advertising was, including photography and design as well as publication;*
- *who authorised the relative payments.*

¹ Report on case K/008, issued on 2 December 2019 and available from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K008-EN.pdf>.

² Report on case K/010, issued on 7 May 2020 and available from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K010.pdf>.



You are also invited to present your views and reactions to the complaint, with particular reference to the following points:

- (a) whether you consider this advertising to be justified in the public interest, and if so on what grounds;*
- (b) whether the advertising respects the concept of separation between your roles as Minister and as member of a political party;*
- (c) whether the advertising affects the impartiality of the public service, given that it features the official logo of your ministry including the national coat of arms, and that the relative payments were presumably authorised by a public officer.*

9. I requested a reply by 27 November 2020, but Minister Carmelo Abela requested an extension and this was duly granted. The Minister replied on 1 December 2020 (copy of letter attached and marked Document D). He stated that the advert, to which he referred throughout his letter as an “*advertorial*”, appeared on 18 October 2020 in the *Sunday Times of Malta*, *The Malta Independent on Sunday*, *Kullhadd*, *It-Torċa*, *Illum* and *Malta Today*. The advert did not appear in *Il-Mument*, the remaining Sunday newspaper, because the latter quoted a price which was “*double the quotes given by other media houses*”. The advert was published at no cost in the *Times of Malta* on Monday 19 October 2020 because the advert as published in the *Sunday Times of Malta* on the previous day was “*not according to specifications*.”

10. The Minister did not say what the cost of the advertising campaign was. He did say that a company, Striped Sox, was contracted to obtain quotes and fine-tune the design of the advert since “*time was pressing*”. However, the advert was designed by the ministry and the photograph used in it had been taken by the Department of Information, so the ministry did not incur any expenses on photography.

11. The Minister stated that costings were approved “*both within the Secretariat and the Public Service*” (the latter presumably being a reference to the permanent secretary or other senior public officers in his ministry), but approval for payment for the publication of the advert in all newspapers other than *Kullhadd* was withheld pending the conclusion of my investigation.

12. Additional points made by Minister Abela concerning the purpose and nature of the advertisement include the following:



- Had the advert been intended as personal publicity, it would have included the Minister's name, but this did not feature anywhere in the advert.
- The photo was an official photo which includes the national and EU flags: it was chosen to portray the Minister as "*the personification of the Ministry I represent*" and "*in the vest of a Government's representative*" [sic].
- The advert did not include any political slogans or logos. The only logos used were the official ministry logos.
- There was nothing political in the content of the advert.
- The country was not in election mode, so the allegation that the advert was intended to influence voters is unfounded.

13. The Minister referred to my report on case K/010, in which I stated that an official social media channel should not feature personal logos, political or partisan content, or references to unofficial activities by or the personal views of individuals holding state office. The Minister stated that these criteria could also be applied to print advertising, and none of the listed elements applied to the advert under consideration in the present case.

14. The Minister also made reference to paragraph 5.7 of the Cabinet manual of procedure, which states that a minister should not make excessive or unreasonable use of government resources and facilities when acting as a member of Parliament. The Minister stated that this provision recognised the difficulty of drawing a distinction between the roles of minister and member of Parliament.

15. I sought further information from Striped Sox, the company mentioned by Minister Abela in his letter. I wrote to the company on 3 February 2021, receiving a reply on 8 February. However I found it necessary to write to the company twice more in order to obtain clarifications, with the company replying on each occasion. This correspondence in its entirety is attached as Documents E to J.

16. Since, in its initial reply, Striped Sox made no reference to any quote from *Il-Mument*, I wrote to Media.Link Communications, publishers of this newspaper, on 9 February 2021 to ascertain whether they had submitted a



quote for the advertisement in question, and to obtain a copy. I received a reply on the same day. This correspondence is attached as Documents K and L.

17. The salient points that emerge from my correspondence with Striped Sox and Media.Link are as follows:

- Striped Sox was responsible for placing the Minister's advert in *Illum*, *Malta Today*, the *Sunday Times of Malta*, *The Malta Independent on Sunday*, and *It-Torċa*.
- Striped Sox also obtained quotes from *KullHadd* and *Il-Mument*. However, the ministry itself appears to have placed the advert in *KullHadd* while, as noted by the Minister, the quote from *Il-Mument* was not accepted.
- The total cost of the advertising campaign came to €7,012.98 including VAT. This includes the publication of the advert in *KullHadd*.
- The evidence does not bear out the Minister's claim that the quote by *Il-Mument* was double that of other media houses. *Il-Mument* quoted two amounts, €2,000 for placement of the advert on its back page and €1,220 for placement on an inside page. The quote of €1,220 is lower than that of the *Times* and only marginally higher than that of *Malta Today*. These newspapers both published the advert on an inside page. Moreover, the quote by *Il-Mument* also provided for the unsolicited publication of the advert in *In-Nazzjon* (the daily newspaper of the same media house).

18. On 24 February 2021 I wrote to Minister Carmelo Abela to forward to him the evidence I had collected, as required by article 18(3) of the Act, and to give him the opportunity to make further submissions (letter attached as Document M). The Minister replied on 5 March 2021 (Document N).

19. At this stage I had still to write my third and final letter to Striped Sox (Document I). However, the aim of this letter was not to obtain fresh evidence but to seek an explanation for apparent inconsistencies in the company's previous replies. Hence there was no need to forward to the Minister this final exchange of correspondence with Striped Sox.

20. In his letter of 5 March Minister Abela stated that Striped Sox forwarded to his ministry only the higher of the two quotes provided by *Il-Mument*, and it was on this basis that *Il-Mument* was excluded from the advertising campaign. In support of this statement the Minister attached to his letter a



summary of quotes purportedly drawn up by Striped Sox which omitted the quote of €1,220. The Minister suggested that I too should make no reference to this figure in my report on this case.

Considerations

Was the advert in the public interest?

21. The full-page advertisement as published by the ministry can be described as containing a full colour, half page sized photograph of Minister Carmelo Abela; six bullet points setting out scant information; colour design features; and the logo of the Ministry within the Office of the Prime Minister.

22. It is notable that the Minister consistently refers to the advert as an advertorial. An advertorial typically takes the form of an article and is more informative than a conventional advertisement. In the case at hand, the use of the term “advertorial” is not justified since the Minister’s advert contains minimal information.

23. The content of the advertisement is worth examining more closely. The advert bears the headings “*Towards a Better Quality of Life*” and “*Improving Working Conditions*”. The Minister attempts to justify the former heading as a message of “*hope*” and “*positive thinking to overcome such challenging times.*” He sees the latter heading as emphasising the “*utter importance*” of his ministry “*and what I stand for*”. These arguments are simply sophistry in defence of messages that are at best just slogans.

24. The six points which appear beneath the photograph of the Minister are the following:

- *Around 25,000 jobs were saved during COVID-19 following the intervention [sic] of the Department of Industrial and Employment Relations;*
- *In 3 years, around 80% of the Electoral Manifesto has been completed or is at an advanced stage;*
- *Strong dialogue within MCESD, with workers’ and employers’ representatives;*



- *Towards a higher quality and more accessible National Broadcasting [sic];*
- *Assistance from MEUSAC to fill in applications for European Funds;*
- *Holistic coordination for a future based on Sustainable Development.*

25. The Minister describes these as “*achievements*” and “*important milestones to fulfil*”. Considering each of the above points on its own merits, however, it does not appear that the information contained in the advertisement can reasonably be qualified as being of genuine interest to the public. Four of the above points can be classified as generic, and certainly provide little to no indication of the actual work carried out by the ministry since its inception. These points cannot be seen as informative to the public, given the lack of detail or specific information regarding the work carried out by the ministry.

26. The Minister points out that the advertisement does not include any political logos or other political content. While this is true, it does not thereby justify the advert. The criteria I set out in my report on case K/010 concern the distinction between official and personal social media channels, and they do not have a bearing on this case. It goes without saying that any material produced for official purposes should be justified in the public interest.

27. I cannot refrain from noting the typographical and grammatical errors in the advertisement, along with the indiscriminate use of capital letters. Even if one leaves aside the issue of misuse of public funding, the advert does not reflect well on the Hon Carmelo Abela’s ministry on account of these errors, which may have been due to the inexplicable rush to get the advert out “*because time was pressing*”.

28. As already noted, the advert was republished at no cost in the *Times of Malta* on Monday 19 October 2020 because the advert as published in the *Sunday Times of Malta* on the previous day was “*not according to specifications*”. The Minister does not elaborate, but a comparison of the two adverts makes it clear that the defect that led to re-publication was in his photograph, which made him look squat (see reproduction at Document B). The typographical and grammatical errors in the advert went unnoticed and remained uncorrected. It is therefore evident that the most important part of the advert, from the ministry’s point of view, was the Minister’s photograph.



29. The Minister makes various points in an attempt to justify the use of his photograph. On the one hand he argues that his name does not appear in the advert, so it is not about him. On the other he states that the photograph was used to convey the message that *“The Minister was the personification of the Ministry”*. These arguments are not compatible. The Minister’s claim that the photograph portrays his *“image in the vest of a Government’s representative”* serves only to strengthen the argument that the advertisement was about his image first and foremost. Had the advertisement truly been intended to convey information in the public interest, there would have been no need to include his photograph.

What appears to have motivated the advertisement?

30. In its complaint Repubblika alleges that the advert amounted to *“a public relations vehicle for MP Carmelo Abela who will be seeking re-election to Parliament from his constituency.”* Minister Abela counters this allegation by saying that *“the country is not in an election mode and though not the right time to publicise personal material with the intent to inflict a positive impact on voters ...”* [sic].

31. The charge that the advert was published for electoral purposes is difficult to sustain in the absence of any indication that an election was or is in the offing. However, developments at the time still establish a context within which the Minister may have felt an urgent need for self-promotion through the advert.

32. In the month prior to the publication of the advertisement, various local media outlets reported on the anticipated co-option of MEP Miriam Dalli and the Prime Minister’s then Head of Secretariat, Clyde Caruana, to fill the parliamentary seats vacated by the resignation from Parliament of the Hon Dr Joseph Muscat and the Hon Dr Etienne Grech. It was also reported that a Cabinet reshuffle was expected, since the prospective co-optees were seen as contenders for ministerial positions.³

³ See <https://timesofmalta.com/articles/view/labour-heavyweight-eyed-for-muscats-vacant-seat.822757>; <https://timesofmalta.com/articles/view/miriam-dalli-clyde-caruana-to-join-parliament-cabinet.825307>; and <https://lovinmalta.com/news/major-cabinet-members-facing-chopping-block-to-make-way-for-dalli-and-caruana/>.



33. Certain news media outlets fuelled the speculation around this time, most especially with the publication of articles highlighting the major achievements of ministers and parliamentary secretaries since the beginning of 2020, in anticipation of a potential Cabinet reshuffle.⁴

34. Given that the Cabinet reshuffle did actually take place on 21 November 2020, it is not unreasonable to state that the speculation and build-up were founded in fact. Bearing this in mind, it is also not unreasonable that ministers and parliamentary secretaries around this time were eager to remind the public, and the Prime Minister circuitously, of their achievements during this time.

35. According to Minister Carmelo Abela, the idea for publishing the advertisement arose following an approach by one of the Sunday print newspapers, which was interested in publishing a special edition related to the 2021 Budget. The Minister emphasises the urgency to launch the campaign. He claims “*time was pressing*”. However, while the advertisement did indeed coincide with the budget, its content bore no relationship whatsoever with the budget. The only plausible explanation for this urgency was the impending reshuffle.

36. Having considered the content of the advertisement and the circumstances surrounding its (unexplained) urgent publication, it does not appear to me that the content of the advertisement can be classified as truly informative from a government perspective and therefore warranting the use of public funds for its publication. It is evident that the advertisement was intended to raise the Minister’s profile in the public eye and, indirectly, to strengthen his claim to retain his Cabinet post.

37. The Minister raises various arguments regarding the cost-effectiveness of the advertisement, amongst them the limited expenses incurred by the advertising campaign, the sourcing of the photograph from the Department of Information at no cost, and the design of the advertisement by ministry personnel. However, these considerations do not alter my conclusion that the advertisement was not justified.

⁴ See <https://lovinmalta.com/news/news-politics/ahead-of-reshuffle-we-asked-ministers-to-list-their-3-biggest-achievements-so-far/>; and <https://lovinmalta.com/news/whos-up-for-a-promotion-we-asked-maltas-parliamentary-secretaries-for-their-best-three-achievements-ahead-of-reshuffle/>.



Was the choice of media made on political grounds?

38. Minister Abela states that he authorised publication in all the Sunday print newspapers “*within reasonable price limitations, so that no discrimination with any publisher would occur, while at the same time reach [sic] readers from all political and apolitical views*”.

39. Given this, the Minister’s decision to exclude *Il-Mument* appeared puzzling. The Minister justifies his decision not to publish the advert in *Il-Mument* by claiming that Striped Sox did not relay to him the quote of €1,220 for an inside right page together with a full page in *In-Nazzjon*, but only relayed that of €2,000 for the back page along with a full page in *In-Nazzjon*.

40. Having seen the relevant documentation in support of the Minister’s claim, I am willing to accept that he excluded *Il-Mument* because he was misled by Striped Sox as to its real cost.

Conclusion

41. This advert was clearly intended to boost the image of Minister Carmelo Abela rather than provide any information of value to the general public, given the prominence of the photograph and the absence of informative content on the work of the ministry. The expenditure of public funds on the advert was not warranted. It served the interests of the Hon Carmelo Abela as a member of Parliament who was seeking to retain his ministerial post.

42. By the Minister’s own admission, the use of funds for the advertisement was approved by “*the Public Service*” – that is to say career public officers serving in his ministry. They should not have been placed in the position of having to approve funding for such an advertisement.

43. It is therefore my considered opinion that the Minister’s conduct constitutes a *prima facie* breach of articles 4.9, 4.10, 5.3 and 7.4 of the Code of Ethics for Ministers and Parliamentary Secretaries, as set out in the second schedule of the Standards in Public Life Act.

44. I have not found that the Minister intentionally discriminated against *Il-Mument* as it has resulted that he was given the wrong information by his PR agency.



45. This report is accordingly being submitted to the Standing Committee for Standards in Public Life as contemplated by article 22(3)(b) of the Standards in Public Life Act, for consideration by the Committee under articles 27 and 28 of the Act.

46. It is for the Committee to consider what remedy is appropriate under article 28 of the Act, should it agree with this conclusion in terms of art 27(3). The Committee may, however, wish to bear in mind the practice in the UK House of Commons whereby a member of the House who is found to have misused public resources is required to refund to the state the value of those resources. In this particular case the cost of the advertising campaign (consisting of funds disbursed, and not including the cost of ministry staff time) amounted to €7,012.98.

47. In line with the view taken by the Committee to retain the discretion to decide whether and when to publish my report, it is my recommendation to the Committee that this report should be published and that a copy should be forwarded to the Complainant and to Minister Abela. In accordance with the procedure agreed by the Committee, I shall inform the Complainant and Minister Abela that I have duly submitted my report to the Committee.



Dr George Marius Hyzler

Commissioner for Standards in Public Life



Attached Documents

- Document A Letter dated 19 October 2020 from Dr Robert Aquilina, president of the NGO Repubblika.
- Document B Full-page advert featuring Minister Carmelo Abela, as published in the *Sunday Times of Malta* on 18 October 2020 and the *Times of Malta* on Monday 19 October 2020.
- Document C Letter dated 11 November 2020 to Minister Carmelo Abela.
- Document D Reply from Minister Carmelo Abela dated 1 December 2020.
- Document E Letter dated 3 February 2021 to Striped Sox Ltd.
- Document F Reply from Striped Sox dated 8 February 2021.
- Document G Letter dated 15 February 2021 to Striped Sox.
- Document H Reply from Striped Sox dated 19 February 2021.
- Document I Letter dated 26 February 2021 to Striped Sox.
- Document J Reply from Striped Sox dated 3 March 2021.
- Document K Letter dated 9 February 2021 to Media.Link Communications.
- Document L Reply from Media.Link Communications dated 9 February 2021.
- Document M Letter dated 24 February 2021 to Minister Carmelo Abela.
- Document N Reply from Minister Carmelo Abela dated 5 March 2021.

19 October 2020

The Commissioner for Standards
St Paul Street
Valletta

Sir:

Re: Political advertising featuring a prominent photo portrait of Minister Carmelo Abela

We have seen multiple editions of a full-page advert featuring prominently the logo of the “Ministry within the Office of the Prime Minister” and, we presume, paid for by the same public office and featuring even more prominently a colour portrait of Minister Carmelo Abela.

The written and graphic content of the advert is mostly made up of slogans and does not provide readers with any information that might be considered essential.

In Repubblika’s view, the government, within limits of pre-established budgetary provision, could be justified if it were:

- to advertise for recruitment to front line public services or disciplined forces,
- to provide information on paying taxes,
- to advertise or market museums, galleries and other cultural initiatives,
- to provide information which the government has the legal duty to make available to the public such as changes to legislation or the provision of public services, and
- to advertise activities where there is unequivocal evidence that advertising campaigns deliver measurable benefits relating directly to immediate public health and safety.

The advert in question meets none of these objective criteria and essentially therefore amounts to a public relations vehicle for MP Carmelo Abela who will be seeking re-election to parliament from his constituency. Minister Abela is perfectly entitled to resort to advertising to persuade his constituents to vote for him at the upcoming general election but he should not be doing so at his ministry’s and the public’s expense.

We feel this action falls short of expected standards in public life because the advert amounts to a conflation between Carmelo Abela’s role as a government minister and his

role as MP, using his influence on his Ministry's budget in the first role to secure his confirmation to the second.

Half the advert, and that is half of the expense that went into acquiring it, is dedicated to a glamour photo of Minister Carmelo Abela that in and of itself does not amount to the minister's obligation to ensure he has open communication with the social partners, non-governmental organisations, professional associations, the broadcasting media and the public in general.

That obligation does not justify the promotion of the minister's appearance. It is intended to ensure the dissemination of information on matters of policy or law in line with objective standards such as the ones we suggest in this letter. It would be a wasteful prospect indeed if we are to be charged as taxpayers for advertising campaigns of this scale, size and nature by every government minister, half of the expense for which would be consumed in the dubious benefit of seeing their photos.

There is nothing wrong with humanising government communications with proportionate and contextual images of senior government officers. But Minister Abela's photo is neither proportionate nor in any way contextually relevant. It is nothing short of personal electoral campaigning at the taxpayer's expense.

We also consider that Minister Abela's actions are not in line with the spirit of the conclusions of your reports K/008 and K/010.

In this respect this conduct also falls short of the expectation of responsible and restrained expenditure charged to the public purse that ought to be strictly limited to the government's function of public utility.

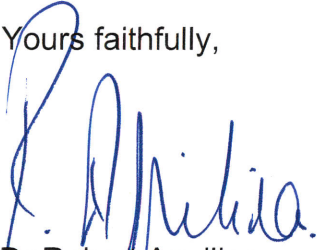
And it falls short of the obligation incumbent on all members of the executive seeking election to the legislature not to allow their government roles to give them unfair advantage over other candidates without access to the illegitimate privilege of abuse of public funds and resources.

It is our view that:

1. Minister Carmelo Abela should be found in breach of the Code of Ethics and of public expenditure rules and is personally (or through his personal campaign) ordered to reimburse 50% of the advertising spend on this campaign to cover the expense on column inches dedicated purely to his photograph.
2. The Commissioner should make recommendations to the government to adopt a centralised control process to restrict advertising by ministers to matters that are strictly within their public function and on objective criteria such as the ones we suggest above. These criteria should explicitly exclude the promotion of the minister on a personal basis through disproportionate imagery, glamour photography, hollow campaign slogans and other features that are typical of election campaign material.


We remain at your disposal to answer any questions you may have.

Yours faithfully,



Dr Robert Aquilina
President, Repubblika

Attachment: Copy of one of the adverts published in local newspapers that is the subject of this complaint.



TOWARDS A BETTER QUALITY OF LIFE



Improving Working Conditions

Around 25,000 jobs were saved during COVID-19 following the intervention of the Department of Industrial and Employment Relations;



In 3 years, around 80% of the Electoral Manifesto has been completed or is at an advanced stage;



Strong dialogue within MCESD, with workers' and employers' representatives;



Towards a higher quality and more accessible National Broadcasting;



Assistance from MEUSAC to fill in applications for European Funds;



Holistic coordination for a future based on Sustainable Development.

djalogu
soċjali



MINISTRY WITHIN
THE OFFICE OF THE PRIME MINISTER



TOWARDS A BETTER QUALITY OF LIFE

Improving Working Conditions



Around 25,000 jobs were saved during COVID-19 following the intervention of the Department of Industrial and Employment Relations;



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MINISTRY WITHIN
THE OFFICE OF THE PRIME MINISTER



11 November 2020

Hon. Carmelo Abela MP
Minister within the
Office of the Prime Minister
Auberge de Castille
Valletta VLT 1061

By post and by email to carmelo.abela@gov.mt

Minister,

K/028: Complaint concerning alleged political advertising

I have received a complaint concerning a full-page advertisement featuring a prominent photo portrait of yourself which appeared in the *Times of Malta* on Monday 19 October 2020. The complaint is attached.

The following provisions of the Code of Ethics for Ministers and Parliamentary Secretaries, as set out in the second schedule of the Standards in Public Life Act (chapter 570 of the laws of Malta), appear relevant to this complaint:

4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.

4.10 Ministers shall respect the principle of political impartiality of the public service.

5.3 Diligence – once Ministers administer public property, on behalf of the public in general, they shall exercise the highest level of diligence including in the expenditure of public funds, and they shall also work diligently and hard in the performance of their duties.



Commissioner for Standards in Public Life

7.4 Ministers shall respect the impartiality of the public service and shall ensure that their influence on the public service is not abused. [...]

You are kindly requested to state:

- whether this or any similar advertisements appeared in the *Times of Malta* on any other dates;
- whether this or any similar advertisements appeared in English or Maltese in any other publications, and if so on what dates;
- what the total cost of the advertising was, including photography and design as well as publication;
- who authorised the relative payments.

You are also kindly invited to present your views and reactions to the complaint, with particular reference to the following points:

- (a) whether you consider this advertising to be justified in the public interest, and if so on what grounds;
- (b) whether the advertising respects the concept of separation between your roles as Minister and as member of a political party;
- (c) whether the advertising affects the impartiality of the public service, given that it features the official logo of your ministry including the national coat of arms, and that the relative payments were presumably authorised by a public officer.

You are kindly requested to reply by **Friday 27 November 2020**.

Yours sincerely,

Dr George Marius Hyzler
Commissioner for Standards in Public Life

DOCUMENT D



MINISTER WITHIN THE OFFICE OF THE PRIME MINISTER
AUBERGE DE CASTILLE, VALLETTA

1 December 2020

Dr. George Marius Hyzler
Commissioner for Standards in Public Life
11, St. Paul Street,
Valletta

RE: K/028 COMPLAINT CONCERNING ALLEGED POLITICAL ADVERTORIALISING

Dear Commissioner,

I write with respect to the subject in caption. I vehemently rebut all allegations contained in the complaint lodged by NGO Repubblika, dated 19th October 2020 for reasons listed hereunder:

FACTS:

The complaint lodged by Repubblika, concerns an advertorial that appeared on various printed newspapers on October 18th featuring a full-page information regarding the work done by the Ministry within the Office of the Prime Minister (MSD), of which I am the Minister.

To begin with, one should keep in mind that this Ministry was created in January 2020. Since its inception, the Ministry did not engage in any advertorial campaigns, intended to communicate with the general public about all initiatives taken by the Ministry during such period. The Ministry was actively involved, during the COVID-19 pandemic, to issue directives and initiatives that would safeguard thousands of jobs.

Therefore, the Ministry planned a series of advertorials to be published with all printed newspapers. The idea was conceived after the Ministry was approached by one of the Sunday papers, which was publishing a special issue in relation to the 2020 Budget. The Ministry felt it was only fair to publish the same advertorial with all Sunday papers, within reasonable price



limitations, so that no discrimination with any publisher would occur, while at the same time reach readers from all political and apolitical views.

Since, time was pressing, a third-party company was entrusted to coordinate the gathering of quotes from printed newspapers and to fine tune the design of the advertorial. The chosen company, Striped Sox, presented a quotation of all printed media houses, with prices and offers. From the quotations presented, the Ministry discarded the quotation given by 'Il-Mument', since it was double the quotes given by other media houses, while the costings for production and campaign costs were considerably reduced since the Ministry had already designed the advertorial.

As a matter of fact, the Ministry had prepared the design of the advertorial internally, using no extra funds in the process since the picture used in the advertorial and which is the main focus of the complaint lodged by Repubblika, is a picture taken by the Department of Information (DOI). **Therefore, the Ministry did not incur any expenses for photography used in the advertorial in question.**

This advertorial, after a decision was taken within the Ministry, appeared on the 18th of October 2020 on the following printed newspapers: **Sunday Times of Malta, The Malta Independent on Sunday, Kullhadd, it-Torċa, Illum and Malta Today.** Il-Mument was discarded since the price quoted was exorbitant as stated earlier on.

The advertorial was first going to appear on the Sunday newspaper Kullhadd, as previously stated. The advertorial and the costings of such advertorial were all approved both within the Secretariat and the Public Service. However, the approval to issue payment for the advertorial in all the other above-mentioned newspapers was stalled pending this investigation. Reason being that since a complaint kickstarted your investigation, the Ministry felt it would be more appropriate that no payment is issued pending this investigation. The Sunday Times re published the same advertorial for free the following day on the Times of Malta since the advertorial that appeared on the Sunday Times was not according to specifications.

THE ADVERTORIAL:

It has already been established that the photograph used for the advertorial was taken by DOI. The main complaint regards the size of this photo, as it takes half the advertorial. Repubblika is alleging that with the size of this photo, I wanted to use public funds to publicise myself as an MP.

With all due respect, this argument is totally fallacious. First of all, nowhere in the whole advertorial, there is printed or mentioned my name. If I wanted to publicise myself as a politician, the first thing that I would do was to put my name on the advertorial. On the contrary, the photo shows myself in the foreground, and the Maltese and European Union flag behind me in the background. The Ministry, used this photo, being the official one of the DOI in which the national flag and the EU flag are present, as it wanted to convey the readers the message that the Minister was the personification of the Ministry I represent and above all representing the Government.



No political slogan was used in any part of the advertorial. No political logo was likewise used. The script on the photo is in green – which is definitely not the colour of the political party that I am part of – to eliminate any subtle link with my political party.

The official logo of the Ministry and the logo used by the Ministry in its social media ‘Djalogu Socjali’ were used. No other logo or branding either personal or of the political party that I am a member of were used.

There is also nothing political in the written contents of the advertorial. All items listed refer to the Ministerial portfolio of MSD, of which I am responsible, and the results obtained by the Ministry as a whole and not by the undersigned.

One must also keep in mind that the interpretation given by Repubblika is to say the least, subjective, with a pinch of a political agenda. One must look at the advertorial with the eyes of the reasonable common man, without any political filters. The reasonable common man will definitely notice the factors listed below, in objectively determining that the advertorial did not break any rule whatsoever:

- i. Firstly, the country is not in an election mode and though not the right time to publicise personal material with the intent to inflict a positive impact on voters, as it is being alleged by Repubblika when stating that this advertorial had been used as some sort of a PR vehicle, seeking re-election to Parliament.
- ii. Then, after analysing the picture fairly and objectively, it is unequivocally understandable that it portrays my image in the vest of a Government’s representative, as the background of the same picture suggests, by visualising the flags of Malta and the EU. In fact, I stand at an angle to give more weight to what I really represent as a member of Government, that is, Malta and Malta as a member of the EU. Therefore, one can easily conclude that the picture is surely not predominantly owned by the figure of the undersigned, but it is well balanced to make sure not to obscure or confound my proper role in all this.
- iii. The message on the same picture is one of hope ‘Towards a Better Quality of Life’ and the creed of the Ministry responsible from Social Dialogue, Industrial & Employment Relations, Sustainable Development, Public Consultation, Implementation of the Electoral Manifesto (which is the programme of the current Government) and Public Broadcasting Services. Surely, this message holds no political connotation if not a message of positive thinking to overcome such challenging times.
- iv. Moreover, below the picture of myself and flags stands another bold message, stating ‘Improving Working Conditions’. And here the advertorial goes more into the specific, by highlighting in one phrase the major focus of the Ministry within the Office of the Prime Minister, hence, by emphasising even further its utter importance and what I stand for.
- v. Then goes a short list of the Ministry’s achievements with the intent to disseminate information to the public, while stressing out other important milestones to fulfil, points of sheer interest to the general public.



- vi. Finally, on the bottom left, one finds the logo of social dialogue, which is also the trademark of the Ministry concerned, whereas on the bottom right the Ministry's official emblem.

Therefore, one can conclude that the advertorial kept distinct the role of the Minister from that of a politician.

Moreover, there is no distinct policy regarding the publication of advertorials like the one in question. There are no rules on the size of pictures and above all the contents. I respectfully submit that one can use a much smaller picture than the one used, and yet send a personal, a partisan and a political message. The photo used by the Ministry conveys no political or partisan message. Size is relative. Had for instance a smaller picture been used without any text, but just the name of the Minister, the complainant would perhaps have an argument, but in this case, the mere fact that the picture is relatively big, does not mean it is a tool with which I acquired unfair advantage as an MP.

LEGAL CONSIDERATIONS:

Your office considered several provisions of the Code of Ethics for Ministers and Parliamentary Secretaries that are relevant to the complaint in question.

Article 4.9 refers to the obligation on Ministers to keep their role as Ministers and Representatives separate as well as their role as a member of a political party.

In layman's terms, this article is binding Ministers when acting in their official ministerial capacity, to keep it distinct from their role in the constituency as an MP and separate from their political party.

Article 4.10 states that Ministers shall respect the principle of political impartiality of the public service.

This means that Ministers shall keep in mind that members of the public service are not an extension of their own private secretariat and hence, the public service owes no allegiance to any political party.

This should be taken in conjunction with article 7.4, which further obliges the Ministers not to influence or abuse of the public service.

Article 5.3 regards diligence in the way Ministers should use and administer public funds. This should be done with the highest level of diligence, including in the expenditure of public funds while they shall also work diligently and hard in the performance of their duties.

Many of these articles were already examined by your office in previous decisions.

In decision number K/010, regarding the use of public funds to finance social media of Ministers and Ministries, your office stated that in principle there is nothing intrinsically wrong with the Government for using its advertorial expenditure, provided this is done in the



public interest without targeting a specific audience so that to reach the public more effectively.

Your office also stated in this judgement that there is nothing wrong in engaging third parties to take care of the advertorials.

In this decision, your office found a misuse of public resources when such ministries published posts that included political slogans and logos. Your office stated that this was a misuse of public resources for one's personal advantage.

The advertorial in question does not breach any of the above, so much so that after it was approved to be published on one newspaper, it was decided to use the same advertorial on all other newspapers within reasonable budgetary limitations so as not to target one specific category of the public.

Your office made specific reference to the fact that Cabinet members have to keep their roles of Ministers and Members of Parliament distinct. As stated in various decisions by your good self, the area of demarcation between the two is very blurred. One has to keep in mind that Article 80 of the Constitution of Malta states that Ministers are to be appointed from Members of Parliament. Hence, both roles lie within the same person. Therefore, when a Minister publishes his or her own picture by using public funds, the mere publication of that picture does not mean that that particular Minister is making self-publicity as an MP. One has to examine and look for other elements to determine if a particular publication is intended to promote the Minister's political work as an MP rather than his work as a Minister. In the case being examined, all elements indicate that the picture and advertorial were published to promote the work, not of the Minister, but of the Ministry, which is personified in the undersigned.

In judgement K/010, specifically paragraph number 61, your good self, listed the elements that were required in order for any social media channel to be considered official. Even though in the case at hand, we are not taking into consideration a social media channel but an advertorial on a printed paper, I believe that the elements listed in that paragraph apply to this case. The advertorial is clearly *'non-partisan'*, made *'use of official symbols'* and was used to *'inform, educate, reach out'* to the public *'in a transparent and accountable manner'*.

In accordance with paragraph 62 of said decision, this advertorial did not make use of *'personal logos'*, *'political content or partisan statement'*, *'reference to unofficial activities by individual holding state office'* or any *'expressions of personal views by individuals holding state office'*.

The difficulty to distinguish the roles between Minister and a Member of Parliament is highlighted even more in the *'Manwal ta' Proċedura tal-Kabinet'* specifically article 5.7 which was referred to by your good self in decision number K/006. This article refers to the situation where a Minister is using Government resources while fulfilling the role of an MP. The manual stresses that the Minister should make sure that *'riżorsi u faċilitajiet tal-Gvern ma jintużawx minnu b'mod indebitu u rraġjonevoli meta jkun qed jaġixxi bħala Membru tal-Parlament'*.



Therefore, this article shows that there is no absolute preclusion for a Minister to use public resources when fulfilling his role as an MP. The manual sets two conditions, that the resources are used within reason and being accounted for.

Therefore, I did not use public funds to publish this advertorial in my role as an MP but as a Minister. Even so, the use of such funds was not used unreasonably and were not unaccounted for as explained above.

CONCLUSION

In view of the above, I respectfully submit that the complaint lodged by Repubblika by means of a letter dated 19th October 2020 is totally unfounded and unsubstantiated and should be rejected. I respectfully submit that this advertorial did not breach any of the articles of the Code of Ethics for Ministers and Parliamentary Secretaries mentioned by your good self in your letter dated 11th November 2020, and therefore, I respectfully request you to accept my views, arguments and reaction contained in this letter and reject the complaint by Repubblika of the 19th October 2020.

Regards,

Carmelo Abela
Minister



3 February 2021

Striped Sox Limited
Attn: Kurt Cini & Deborah Grech
Quintus House
Dock Street
Paola PLA 2115

By post and by email to:
info@stripedsox.eu

Mr Cini and Ms Grech,

**Requirement to provide information and documentation
in terms of article 19 of the Standards in Public Life Act**

I have received a complaint concerning a full-page advertisement which was commissioned by Minister Carmelo Abela, Minister within the Office of the Prime Minister, and which appeared most Sunday newspapers on 18 October 2020 and in the *Times of Malta* on Monday 19th October 2020. The advertisement as published in the *Times* is attached for ease of reference.

I am informed by the Minister that your company, Striped Sox Limited, was entrusted with obtaining quotations for the publication of the advertisement in print newspapers, as well as refining the design of the advertisement.

You are therefore required to:

1. State what tasks your company was engaged to carry out in connection with the above-mentioned advertising campaign;
2. Provide copies of the quotations received from all media houses approached by Striped Sox Limited for the publication of the advertisement in question;
3. State what was the total cost of the publicity campaign, including both publication fees and any fees charged by you, such as your commission for the placement of the advertisements (if any) and costs associated with the design of the advertisement itself;



4. State whether the newspapers were paid for their services, and by whom; and
5. State whether your company has been paid for its services by the Ministry.

This request for information is being made by virtue of the powers vested in me by article 19(1) of the Standards in Public Life Act (chapter 570 of the laws of Malta). You are not the subject of my investigation and you are being requested to provide this information in the capacity of a witness.

Please note that in due course you may be required to confirm your replies on oath, and that the Act provides for the imposition of penalties should you fail to provide the information required.

You are kindly requested to provide the information requested by no later than **Monday 8th February 2021.**

Dr George Marius Hyzler
Commissioner for Standards in Public Life

enc.

Attn: Dr George Marius Hyzler

Commissioner of Standards in Public Life
11, St Paul Street,
Valletta
VLT 1210

8th February 2021

Dear Commissioner,

We are in receipt of your correspondence dated the 3rd of February 2021, for which we thank you. In the following points below we strive to answer all your queries to the best of our ability.

1. Striped Sox Ltd, as a communications agency was engaged to manage the design, coordination and procurement of print media space as well as the actual publication of the advertisement by the ministry in question;
2. We hereby attach quotations received from all the media houses approached by Striped Sox as 'document A' (6 Nr pages);
3. We hereby attach 'document B', being a detailed media plan which includes a breakdown of costs. It is important to note that It is standard industry practice that when an agency makes a media booking, the media house reserves a 15% of the fee as commission for the agency without inflating the final price to the client. We attach our purchase orders to the media houses as 'document C';
4. All newspapers have invoiced for their services, invoices have not been paid by Striped Sox as yet;
5. The company has issued an invoice to the ministry for the services rendered but the invoice has not been paid as yet.

Additionally, we would like to clarify that specifically with the Sunday Times of Malta, following an issue with the publication on Sunday, we were given an additional advert on the Monday free of charge.

Yours sincerely,



Deborah Grech
Director

INDEPENDENT
TMID 2P6

Daniel Cassar

From: Daniel Cassar
Sent: 16 October 2020 15:11
To: 'mcbugeja'
Subject: Press Advert Full Page BO
Attachments: Press Purchase Order Independent.pdf; Final_Kwalita ta' Hajja Ahjar Advert_ENG.pdf

Hi Marie Claire,

Confirmed finally!

They chose the full page not half page by the way.
Booking order and artwork are attached.

Kindly confirm.

Thanks and Regards,
Daniel Cassar
Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.strippedsox.eu e: daniel@strippedsox.eu



From: mcbugeja <mcbugeja@independent.com.mt>
Sent: 16 October 2020 14:54
To: Daniel Cassar <daniel@strippedsox.eu>
Subject: RE: Follow-up RE: Online Advert Quote

Hi Daniel,
Will we have a reply by 3.30 pm please?
Regards,
Marie Claire

From: "mcbugeja" <mcbugeja@independent.com.mt>
To: "Daniel Cassar" <daniel@strippedsox.eu>
Date: Tue, 13 Oct 2020 09:22:06 +0200
Subject: RE: Follow-up RE: Online Advert Quote

Good morning Daniel,
Inside page cost comes to Eur 500 + Vat (reduced from Eur 566 + Vat) and on the Back page cost comes to Eur 700 + Vat (reduced from Eur 795 + Vat)
Look forward to your feedback.
Best regards,
Marie Claire

TMIO

Marie Claire Bugeja | Head of Sales, NEWSPRINT & WEB
Standard Publications Ltd. | B'Kara Hill, St Julian's STJ 1149
email mcbugeja@independent.com.mt | Tel: +356 2134 5888 ext. 149 or 9945 7441 | www.independent.com.mt

From: Daniel Cassar <daniel@stripedsox.eu>
To: mcbugeja <mcbugeja@independent.com.mt>
Date: Mon, 12 Oct 2020 15:30:57 +0000
Subject: RE: Follow-up RE: Online Advert Quote

Dear Marie Claire,

Can you kindly issue this quote for half a page instead?

Thanks and Regards,
Daniel Cassar
Communications Executive
Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



From: Daniel Cassar
Sent: 09 October 2020 14:16
To: mcbugeja <mcbugeja@independent.com.mt>
Subject: RE: Follow-up RE: Online Advert Quote

Hi Marie Claire,

We need a full page press advert for next Sunday 18th October.
Ideally it would be a back page or any other good position.
Kindly issue us a quote.

I look forward to hearing from you!

Thanks and Regards,
Daniel Cassar
Communications Executive
Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



Times of Malta
1 pg

Daniel Cassar

From: Veronica Grech Sant <veronica.grechsant@timesofmalta.com>
Sent: 09 October 2020 14:24
To: Daniel Cassar
Subject: Re: Advert Booking Quote

No worries re delay, send at your convenience.

As for the full page please go by with euro 1400 exc vat (discounted from Euro 1800). The full page will be on either the back page or page 5 or page 7 of The Sunday Times. Let me know if confirmed so I will book the space for you.

Enjoy the weekend.

Veronica Grech Sant
Brand Manager

Mob: +356 7944 8061 | **Tel:** +356 2276 4333

Website: www.timesofmalta.com | www.progresspress.com.mt | www.alliednewspapers.com.mt
Allied Newspapers Ltd, Triq L-Intornjatur, Zone 1, Central Business District, Birkirkara CBD 1050, Malta

TIMES  MALTA

Rooted in values, driven by innovation

From: Daniel Cassar <daniel@stripedsox.eu>
Date: Friday, 9 October 2020 at 14:14
To: Veronica Grech Sant <veronica.grechsant@timesofmalta.com>
Subject: RE: Advert Booking Quote

Hi Veronica,

Yes, I'm sending it soon...sorry for the delay.

In the meantime can you also issue us a quote for a full page press advert next Sunday 18th October?
We need it to be on the back page or any other good position.

Thanks and Regards,
Daniel Cassar
Communications Executive
Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



From: Adriana Farrugia <AFarrugia@mediatoday.com.mt>

Sent: 09 October 2020 14:06

To: Daniel Cassar <daniel@stripedsox.eu>

Subject: RE: Press Advert

Hi Daniel,

Please find rates accordingly:

Maltatoday @ €1572.50 disc to €1180 + vat

Illum @ €1295 disc to €971 + vat

Both rates are inclusive of agency fee.

Kind regards

Adriana Farrugia

Head of Sales

Mediatoday Co. Ltd

Vjal Ir-Rihan

San Gwann

SGN 9016

Tel: 00356 2138 2741 Ext: 126

Mobile: 00356 7989 4778



From: Daniel Cassar [<mailto:daniel@stripedsox.eu>]

Sent: 09 October 2020 14:01

To: Adriana Farrugia

Subject: Press Advert

Good afternoon Adriana,

kor H' Sena.

Can you please issue another quote for Haddiem tas-Sena campaign?

We need a full page advert on both Malta Today and Illum.

To be published on Sunday 18th October issue.

Ideally it would be placed on the back page or any other good position.

MT

Daniel Cassar

From: Daniel Cassar
Sent: 16 October 2020 15:22
To: 'Adriana Farrugia'
Subject: RE: Press Advert
Attachments: Final_Kwalita ta' Hajja Ahjar Advert_ENG.pdf; Final_Kwalita ta' Hajja Ahjar Advert_MLT.pdf; Purchase Order Malta Today.pdf; Press Purchase Order Illum.pdf

Hi Adriana,

Booking of full page for this Sunday has been confirmed.
Purchase orders and adverts in Maltese and English attached, for Illum and Malta Today respectively.

Thanks and Regards,
Daniel Cassar
Communications Executive

Striped Sox
m: +356 79634367
a: Striped Sox, Quintus House, Dock Street, Paola, Malta
w: www.stripedsox.eu e: daniel@stripedsox.eu



From: Adriana Farrugia <AFarrugia@mediatoday.com.mt>
Sent: 15 October 2020 09:57
To: Daniel Cassar <daniel@stripedsox.eu>
Subject: RE: Press Advert

Hi Daniel,
Good morning.
Shall I reserve the space for Sunday please?

Kind regards
Adriana Farrugia

Head of Sales
Mediatoday Co. Ltd
Vjal Ir-Rihan
San Gwann
SGN 9016

Tel: 00356 2138 2741 Ext: 126
Mobile: 00356 7989 4778



TORCA 1pg

Daniel Cassar

From: Daniel Cassar
Sent: 16 October 2020 15:50
To: mcauchi@unionprint.com.mt
Subject: RE: Press Advert quote
Attachments: Press Purchase Order Torca.pdf; Final_Kwalita ta' Hajja Ahjar Advert_MLT.pdf

Dear Marthese,

I tried calling you to confirm if we can still book the full page advert for this Sunday on Torca.
I know we're very late so I understand if the back page is taken – we can for another prominent inside page.

I have attached the artwork and booking order.
Kindly get back to me to confirm and if we need to change the price.

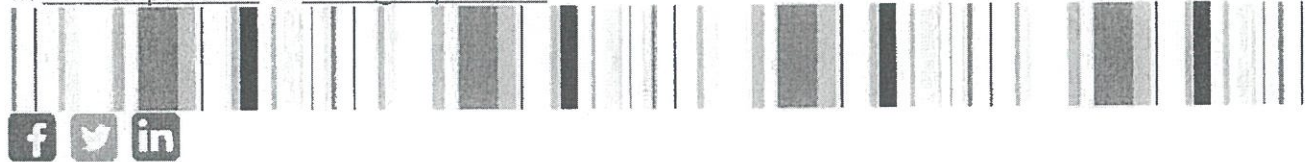
Thanks and Regards,
Daniel Cassar
Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



From: mcauchi@unionprint.com.mt <mcauchi@unionprint.com.mt>
Sent: 13 October 2020 08:23
To: Daniel Cassar <daniel@stripedsox.eu>
Subject: RE: Press Advert quote

Congu Daniel,

18x5 clr Eur597.60 + vat. What is their budget? If they go for a full page maybe I can arrange.

Marthese

From: Daniel Cassar <daniel@stripedsox.eu>
Sent: 12 October 2020 16:30
To: mcauchi@unionprint.com.mt
Subject: RE: Press Advert quote

Dear Marthese,

Wanted to let you know that we are not going through with this full page ad.
Can you kindly issue quote for half a page instead?

Thanks and Regards,
Daniel Cassar

Carmelo Abela Campaign - October 2020

					MON	TUE	WED	THU	FRI	SAT	SUN
	QTY	RATE PER ADVERT	TOTAL	Sub Totals	12	13	14	15	16	17	18
PRESS Advert - Full Page											
Illum - page 3	1	€ 971.00	€ 971.00								1
Malta Today - next to Saviour's opinion	1	€ 1,180.00	€ 1,180.00								1
Times of Malta - pg 5, 7 or back page	1	€ 1,400.00	€ 1,400.00								1
Independent - Back Cover	1	€ 1,175.00	€ 1,175.00								1
Torca - Back Page	1	€ 950.00	€ 950.00	€ 4,726.00							1
Production & Campaign Management Cost	1	€ 270.00	€ 270.00	€ 270.00							
TOTAL (Excl VAT)				€ 4,996.00							
VAT				€ 899.28							
TOTAL				€ 5,895.28							

Purchase Order

STRIPED SOX

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115
Mobile: (+356) 99486548
Email: media@stripedsox.eu
Vat No: MT 22397927

PO Number: 1082
Date: 16 October 2020

Media	ILLUM
Client	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion	€971.00
Frequency	1
Insertion Date/s	Sunday 18th October 2020

Further Details Page 3

Costs per booking.

Price:	€971.00
Insertions:	1
Less 15%	€145.65
	€825.35
VAT (18%)	€148.56
Total:	€973.91

Additional Notes:

Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367

Purchase Order

STRIPED SOX

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115
Mobile: (+356) 99486548
Email: media@stripedsox.eu
Vat No: MT 22397927

PO Number: 1082
Date: 16 October 2020

Media:	Malta Today
Client:	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion	€1,180.00
Frequency:	1
Insertion Date/s:	Sunday 18th October 2020

Further Details: Next to Saviour's opinion

Costs per booking:

Price:	€1,180.00
Insertions:	1
Less 15%	€177.00
	€1,003.00
VAT (18%)	€180.54
Total:	€1,183.54

Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367

Purchase Order

STRIPED SOX

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115

Mobile: (+356) 99486548

Email: media@stripedsox.eu

Vat No: MT 22397927

PO Number: 1082

Date: 16 October 2020

Media:	TOM SUNDAY
Client:	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion	€1,400.00
Frequency:	1
Insertion Date/s:	Sunday 18th October 2020

Further Details:

Costs per booking:

Price:	€1,400.00
Insertions:	1
Less 15%	€210.00
	€1,190.00
VAT (18%)	€214.20
Total:	€1,404.20

Grand Total	€1,404.20
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Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367

Purchase Order

STRIPED

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115
Mobile: (+356) 99486548
Email: media@stripedsox.eu
Vat No: MT 22397927

PO Number: 1082
Date: 16 October 2020

Media:	The Malta Independent
Client:	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion:	€1,175.00
Frequency:	1
Insertion Date/s:	Sunday 18th October 2020

Further Details: Back Page

Costs per booking

Price:	€1,175.00
Insertions:	1
Less 15%	€176.25
	€998.75
VAT (18%)	€179.78
Total:	€1,178.53

Grand Total	€1,178.53
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Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367

Purchase Order

STRIPED SOX

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115
Mobile: (+356) 99486548
Email: media@stripedsox.eu
Vat No: MT 22397927

PO Number: 1082
Date: 16 October 2020

Media:	TORCA
Client:	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion:	€800.00
Frequency:	1
Insertion Date/s:	Sunday 18th October 2020

Further Details: Back Page - Inside

Costs per booking:

Price:	€800.00
Insertions:	1
Less 15%	€120.00
	€680.00
VAT (18%)	€122.40
Total:	€802.40

Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367

Purchase Order

STRIPED SOX

Address: Striped Sox, Quintus House,
Dock Street Paola PLA 2115
Mobile: (+356) 99486548
Email: media@stripedsox.eu
Vat No: MT 22397927

PO Number: 1082
Date: 19 October 2020

Media:	TOM DAILY
Client:	Carmelo Abela OPM
Advert Size	Full Page
Cost per Insertion:	€0.00
Frequency:	1
Insertion Date/s:	Monday, 19th October 2020

Further Details

Costs per booking:

Price:	€0.00
Insertions:	1
Less 15%	€0.00
	€0.00
VAT (18%)	€0.00
Total:	€0.00

Grand Total	€0.00
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Contact Person Daniel Cassar
daniel@stripedsox.eu
79634367



15 February 2021

Striped Sox Limited
Attn: Ms Deborah Grech, Director
Quintus House
Dock Street
Paola PLA 2115

By post and by email to:
info@stripedsox.eu
deborah@stripedsox.eu

Ms Grech

**Requirement to provide information and documentation
in terms of article 19 of the Standards in Public Life Act**

Please refer to my letter dated 3 February 2021 and your reply of 8 February 2021 concerning the full-page advertisement commissioned by Minister Carmelo Abela.

I have evidence that, in addition to the newspapers you mention in your reply, your company requested and obtained a quotation from Il-Mument for the publication of the advertisement in question.

Please state why you made no reference to the quotation from Il-Mument in your reply, since you stated that you were attaching "quotations from all the media houses approached by Striped Sox".

Please reply by not later than **Friday 19 February 2021**.



Dr George Marius Hyzler
Commissioner for Standards in Public Life

Attn: Dr George Marius Hyzler

Commissioner of Standards in Public Life
11, St Paul Street,
Valletta
VLT 1210

19th February 2021

Re: Requirement to provide information and documentation in terms of Article 19 of the Standards of Public Life Act

Dear Commissioner,

We make reference to your correspondence of the 15th February 2021 with regards to the matter in caption.

Having followed through the matter with a review of the documentation, we hereby confirm that we have mistakenly not included two sets of correspondence in our reply of the 8th February 2021. Both sets are hereby attached as document A.

The missing correspondence was between our office and the publications il-Mument and Kullhadd and these were not included purely due to the fact that both publications were not included in the final media.

Meanwhile, we apologise for any confusion caused. We remain at your disposal should you require any further information.

Yours sincerely,



Deborah Grech
Director

Subject: FW: Mument Press Advert Quote
Date: Tuesday, 16 February 2021 at 09:06:38 Central European Standard Time
From: Daniel Cassar
To: Deborah Grech, Kurt Cini
Attachments: image001.jpg, image002.png, image003.png, image004.png, image005.png

From: Mary Grace Mifsud <grace.mifsud@netmedia.com.mt>
Sent: 09 October 2020 15:50
To: Daniel Cassar <daniel@stripedsox.eu>
Subject: RE: Press Advert Quote

Dear Daniel
Thanks for your email

Back page colour Mument €2000 instead €2590 + full page in Nazzjon

Full page colour Mument inside(right handpage)€1220 +full page in Nazzjon

All prices excluding vat

If you need more information kindly contact me

Kind Regards
Grace

Grace Mifsud
Client Relationship Executive
Sales and Marketing Department



NET MEDIA
Triq Herbert Ganado, Tal-Pieta'

Email: grace.mifsud@netmedia.com.mt

tel no.: 25965463
mob no.: 79390089

From: Daniel Cassar [<mailto:daniel@stripedsox.eu>]
Sent: Friday, 9 October 2020 14:11
To: Mary Grace Mifsud
Subject: Press Advert Quote

Good afternoon Grace,

Kindly issue a quote for a full page advert on Mument, to be published on the Sunday 18th October issue. Ideally it would be placed on the back page or any other good position.

I look forward to hearing from you.

Thanks and Regards,

Daniel Cassar

Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu



Subject: FW: Kullhadd Press advert quote
Date: Tuesday, 16 February 2021 at 17:19:56 Central European Standard Time
From: Daniel Cassar
To: Deborah Grech, Kurt Cini
Attachments: image001.jpg, image002.png, image003.png, image004.png, image005.jpg

From: Daniel Cassar
Sent: 10 October 2020 14:13
To: Sales at KullHadd <sales@kullhadd.com>
Subject: RE: Press advert quote

Hi Kimberly,

Okay great, we'll get back to you next week.
Have a nice weekend!

Thanks and Regards,
Daniel Cassar
Communications Executive
Striped Sox
m: +356 79634367
a: Striped Sox, Quintus House, Dock Street, Paola, Malta
w: www.stripedsox.eu e: daniel@stripedsox.eu



From: Sales at KullHadd <sales@kullhadd.com>
Sent: 10 October 2020 12:22
To: Daniel Cassar <daniel@stripedsox.eu>
Subject: RE: Press advert quote
Importance: High

Hi Daniel,

It's not for the back page but we can offer a good position on page 3.

Kind regards,
Kimberly Cefai
Sales Representative

kullhadd

A 28 B, Industrial Estate, Il-Marsa, MRS 3000
T: (+356) 2568 2570 | W: one.com.mt

From: Daniel Cassar <daniel@stripedsox.eu>

Sent: 09 October 2020 15:04
To: Sales at KullHadd <sales@kullhadd.com>
Subject: RE: Press advert quote

Thank you!
Is this for the back page please?

Thanks and Regards,
Daniel Cassar
Communications Executive
Striped Sox
m: +356 79634367
a: Striped Sox, Quintus House, Dock Street, Paola, Malta
w: www.stripedsox.eu e: daniel@stripedsox.eu



From: Sales at KullHadd <sales@kullhadd.com>
Sent: 09 October 2020 14:50
To: Daniel Cassar <daniel@stripedsox.eu>
Subject: RE: Press advert quote
Importance: High

Dear Daniel,

Good afternoon,

The price for a full page colour advert is €947.20 + 18% VAT = €1,117.70.

Kind regards,
Kimberly Cefai
Sales Representative

kullhadd

A 28 B, Industrial Estate, Il-Marsa, MRS 3000
T: (+356) 2568 2570 | W: one.com.mt

From: Daniel Cassar <daniel@stripedsox.eu>
Sent: 09 October 2020 14:18
To: Sales at KullHadd <sales@kullhadd.com>
Subject: Press advert quote

Good afternoon Kimberly,

We also need a full page press advert for next Sunday 18th October.
Ideally it would be a back page or any other good position.
Kindly issue us a quote.

I look forward to hearing from you!

Thanks and Regards,

Daniel Cassar
Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu





26 February 2021

Ms Deborah Grech, Director
Striped Sox Limited
Quintus House
Dock Street
Paola PLA 2115

By post and by email to:

info@stripedsox.eu and deborah@stripedsox.eu

Ms Grech

**Requirement to provide information and documentation
in terms of article 19 of the Standards in Public Life Act**

I refer to your letter dated of 19 February 2021 in reply to my letter of 15 February 2021 regarding the full-page advertisement commissioned by Minister Carmelo Abela.

In the said letter you state that you had *"mistakenly not included two sets of correspondence in [your] reply of the 8th February 2021"*. This correspondence relates to quotes from *Il-Mument* and *KullHadd*, which *"were not included purely due to the fact that both publications were not included in the final media"*.

It seems that once again you have provided me with incorrect information in that *KullHadd* was in fact included in the final media.

Please explain this inconsistency, bearing in mind that by law penalties can be imposed for failure to present correct evidence.

Your reply is to reach this office by not later than **Wednesday 3 March 2021**.

Dr George Marius Hyzler
Commissioner for Standards in Public Life

Attn: Dr George Marius Hyzler

Commissioner of Standards in Public Life
11, St Paul Street,
Valletta
VLT 1210

3rd March 2021

**Requirement to provide information and documentation
in terms of article 19 of the standards in Public Life Act**

Reference is made to your correspondence of the 26th February 2021 with regards to the matter in caption as well as our previous correspondence of the 19th February 2021.

We hereby reiterate the contents of our response of the 19th instant given that Il-Kulhadd was not included in our final media plan and that our office never confirmed or booked an advert for the campaign in question. This transaction did not take place via Striped Sox.

Furthermore, we attach invoice to the Ministry which matches perfectly with the media plan forwarded to your goodself on the 8th of February. This document clearly indicates that the evidence we are presenting is in fact correct.

We remain at your disposal.

Regards,



Deborah Grech
Director

Striped Sox Limited

Quintus House

Dock Street, Paola PLA2115

info@stripedsox.eu

www.stripedsox.eu

Striped Sox Limited Agency Registration No.:

MT22397927



INVOICE

BILL TO

Ms Melanie Falzon

Ministry within the Office of the

Prime Minister

AUBERGE DE CASTILLE,

TRIQ SAN PAWL,

VALLETTA

INVOICE NO. 1587**DATE 19/10/2020****AMOUNT**

Minister within the Office of the Prime Minister "Lejn Kwalita ta' hajja ahjar" Media Plan
October 2020

Provision of Services for Press, and Artwork Design
As per attached media plan, 1 @ €4,996.00

4,996.00

SUBTOTAL 4,996.00

TAX 899.28

TOTAL 5,895.28

BALANCE DUE **EUR 5,895.28**

Payments may be made by cheque payable to Striped Sox Limited or by transfer of funds, net of bank charges, to Striped Sox; Account

Number: 40023357761, Bank: Bank of Valletta plc, Floriana, Malta

IBAN: MT24VALL22013000000040023357761, Swift Code: VALLMTMT



9 February 2021

Hon Karl Gouder
Chief Operations Officer
And
The Editor,
'Il-Mument'

Media.link Communications
Stamperija Indipendenza
Herbert Ganado Street,
Pieta' PTA 1450

By email to:
news@netmedia.com.mt

Dear Sirs,

**Requirement to provide information in terms
of article 19 of the Standards in Public Life Act**

I have received a complaint concerning a full-page advertisement which was commissioned by Minister Carmelo Abela, Minister within the Office of the Prime Minister, which appeared in most Sunday newspapers on 18 October 2020. The advertisement as published in the *Times* is attached for ease of reference.

I am informed that *Il-Mument* was approached to provide a quotation for the publication of this same advertisement in its print edition. The approach may have been made by Minister Abela's secretariat or by a local communications firm, Striped Sox Ltd, on its behalf.

You are therefore required:

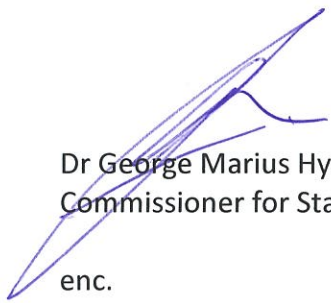
1. To confirm whether the ministry or Striped Sox requested a quotation for the publication of the advertisement in your newspaper, to appear in the 18 October 2020 edition of *il-Mument*;
2. In the affirmative, to supply a copy of your quotation and any related correspondence with the ministry or Striped Sox Ltd.



This request for information is being made by virtue of the powers vested in me by article 19(1) of the Standards in Public Life Act (chapter 570 of the laws of Malta). You are not the subject of my investigation and you are being requested to provide this information in the capacity of a witness.

Please note that in due course you may be required to confirm your reply on oath, and that the Act provides for the imposition of penalties should you fail to provide the information required.

You are kindly requested to provide the information requested by no later than **Thursday 11 February 2021.**



Dr George Marius Hyzler
Commissioner for Standards in Public Life

enc.

February 9, 2021

To: the Commissioner of Standards in Public Life

Re: Requirement to provide information in terms of article 19 of the Standards in Public life

Dear Dr. Hyzler,

With reference to your letter dated today please note that we were asked for a Quotation by Stripedsox, however as happens regularly we didn't know who the end customer is. To be honest this is standard practice for advertising agencies.

Hereunder I am attaching the correspondence between our company and Stripedsox

Hope that this is to your satisfaction

Regards

Karl Gouder
B.Com(hons)(melit), MBA(edin), MIM, MP

From: Mary Grace Mifsud
Sent: Friday, 9 October 2020 15:47
To: 'Daniel Cassar'
Subject: RE: Press Advert Quote

Dear Daniel
Thanks for your email

Back page colour Mument €2000 instead €2590 + full page in Nazzjon

Full page colour Mument inside(right handpage)€1220 +full page in Nazzjon

All prices excluding vat

If you need more information kindly contact me

Kind Regards
Grace

Grace Mifsud
Client Relationship Executive
Sales and Marketing Department



NET MEDIA
Triq Herbert Ganado, Tal-Pieta'

Email: grace.mifsud@netmedia.com.mt

tel no.: 25965463
mob no.: 79390089

From: Daniel Cassar [mailto:daniel@stripedsox.eu]
Sent: Friday, 9 October 2020 14:11
To: Mary Grace Mifsud
Subject: Press Advert Quote

Good afternoon Grace,

Kindly issue a quote for a full page advert on Mument, to be published on the Sunday 18th October issue.
Ideally it would be placed on the back page or any other good position.

I look forward to hearing from you.

Thanks and Regards,
Daniel Cassar
Communications Executive

Striped Sox

m: +356 79634367

a: Striped Sox, Quintus House, Dock Street, Paola, Malta

w: www.stripedsox.eu e: daniel@stripedsox.eu





24 February 2021

Hon Carmelo Abela
Minister within the
Office of the Prime Minister
Auberge de Castille
Valletta VLT 1061

By post and by email to carmelo.abela@gov.mt

Minister,

**K/028 Investigation into the use of public funds for alleged political
advertising in print media**

I have concluded the collection of evidence in the investigation in caption and prior to making a finding or recommendation I am in duty bound to grant you access to all evidence and afford you a right to be heard in accordance with the principles of fair trial as provided in article 18(3) of the Standards in Public Life Act (Chap 570).

The main points that have emerged from the evidence that has been collected include the following:

- Striped Sox Limited was engaged by your ministry to run a campaign relating to an advert intended as an advertorial, including its design, obtaining quotes, and placing the advert in the main print media on Sunday 18 October 2020.
- The advert appeared in the Sunday editions of The Sunday Times of Malta; The Malta Independent on Sunday; Kull Hadd; It-Torca; Illum and MaltaToday, of the 18 October 2020.



- The advert was re-published free of charge by the Times of Malta on Monday 19 October, due to bad printing of the photograph in the Sunday edition.
- The advert featured your photo as well as six bullet points listing claimed achievements of your ministry.
- The logos featured are those of your ministry.
- The total cost of the adverts as supplied by Striped Sox (including KullHadd) amounts to €7,012.98.
- Il-Mument was excluded from this campaign.
- The quoted cost for the advert in Il-Mument for full inside page on Sunday (as well as insert in In-Nazzjon) was €1,220,.
- The reason given by you, in your submissions, for the exclusion of Il-Mument was that it was double the cost of the other newspapers.

Attached please find copies of the evidence that has been collected.

Note has been taken of your submissions dated 1 December 2020. If you wish to add to those submissions in light of the evidence collected, you may do so by not later than **Friday 5 March 2021**, following which date I shall proceed to conclude my report.

Yours sincerely

George Marius Hyzler
Commissioner for Standards in Public Life

DOCUMENT N



MINISTER WITHIN THE OFFICE OF THE PRIME MINISTER
AUBERGE DE CASTILLE, VALLETTA

Dr. George Marius Hyzler
Commissioner for Standards in Public Life
11, St. Paul Street,
Valletta

5 March 2021

RE: K/028 COMPLAINT CONCERNING ALLEGED POLITICAL ADVERTORIALISING

Dear Commissioner,

I write regarding your letter dated 24th February 2021, in which you have put forward the collection of evidence gathered, regarding the investigation in caption.

Therefore, after examining the contents of evidence, I would be once more clarifying specific matters for your kind understanding, which will certainly lead you to come up to a rational decision.

To start with, I would like to reiterate my position regarding the complaint lodged by Repubblika, as this remains totally unfounded and unsubstantiated. In addition, I would like to point out that their complaint focused on the type of advertorial that appeared on various printed newspapers, especially in the Times of Malta. But now it seems that the focus of investigation turned on the pretension that the Ministry opted not to publish on one particular newspaper for some reason which is somewhat not clear to understand.

To tackle one by one, you may wish to note that when it comes to the former I have already offered your good self a thorough insight of what was the scope behind the Ministry's advertorial, whilst remaining confident that by now you have already clearly noticed the difference between real facts, wrong interpretations and unfounded accusations made by Repubblika. As for the latter, I have already touch based on this subject in my first letter, as a consequence of which I will reproduce.

So, with reference to the information expressed in your letter, the cost of an advert to be published on Il-Mument was quoted at €1,220. With this regard, please allow me to bring to your attention that this quote has been intended to cover the cost of a 'full inside page on Sunday (as well as insert in In-Nazzjon)' and though not comparable with offers relevant to other competitors in the market who at the time offered the publication of an advertorial on more prominent pages.



As a matter of fact, the price of €1,220 refers to an email dated 9th October 2020 to a certain Daniel Cassar and signed by Grace Mifsud, at whichever point, the full contents of this email, never reached my Ministry. Perhaps, the reason behind this is that the Ministry requested quotes for the publication of an advertorial on the back-page or in a prominent page, in order to make sure that the Ministry's achievements reaches the general public at large. Consequently, enclosed please find the table DOK CAX, referring to quotes collected by StripedSox, in which you will clearly notice that the quote to publish on Il-Mument was that of €2,000 excluding VAT and not otherwise.

Therefore, as you can well attest, the decision not to publish the advertorial on Il-Mument was purely related to the Ministry's obligation to make good use of public funds, especially when considering the higher costs offered by the same Media house when compared to other competitors, not to mention that the advertorial was intended to be published in a much less prominent space. Needless to say, that the quote offered by Il-Mument was visibly high and not comparable, since this went against the initial request of the Ministry.

Finally, may I suggest that your decision should not make any reference to the quote of €1,220 as:

- (1) The quote of €1,220 never reached my Ministry;
- (2) The quote of €1,220 referred to the advertorial being published in inside pages and not on a back page, which clearly was the preferred option as indicated in the initial request;
- (3) The price quoted for a back-page advertorial was that of €2,000 which was not comparable to other newspapers' quotes, since this was objectively considered by my Ministry as quite exorbitant, to say the least.

Meanwhile, I hope that this clarification will assist you reaching your final goal, which is that to express your qualified opinion on the case.

Regards,

Carmelo Abela
Minister

**Carmelo Abela Campaign - October
2020**

					MON	TUE	WED	THU	FRI	SAT	SUN
	QTY	RATE PER ADVERT	TOTAL	Sub Totals	12	13	14	15	16	17	18
PRESS Advert - Full Page											
Mument - Back Page + full page Nazzjon	1	€ 2,000.00	€ 2,000.00								1
Illum - page 3	1	€ 971.00	€ 971.00								1
Malta Today - next to Saviour's opinion	1	€ 1,180.00	€ 1,180.00								1
Times of Malta - pg 5, 7 or back page	1	€ 1,400.00	€ 1,400.00								1
Independent - Back Cover	1	€ 1,175.00	€ 1,175.00								1
Kulhadd - Pg3	1	€ 947.20	€ 947.20								1
Torca - Back Page	1	€ 950.00	€ 950.00	€ 6,726.00							1
Production & Campaign Management Cost	1	€ 1,008.90	€ 1,008.90	€ 1,008.90							
TOTAL (Excl VAT)				€ 7,734.90							
VAT				€ 1,392.28							
TOTAL				€ 9,127.18							