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Huffer blocks and threatens HDCA proceedings against model

Good afternoon,

1. The Free Speech Union is a registered trade union with a mission to fight for, protect, and expand New Zealanders' rights to freedom of speech, conscience, and intellectual inquiry. We write following Huffer's decision to block model, Elijah Timmins-Scanlon, from Instagram and to send him a letter threatening to bring legal proceedings against him under the Harmful Digital Communications Act 2015 ("HDCA").

2. In your letter to Mr Timmins-Scanlon dated 6 June 2026, you make vague reference to "*recent social media posts referring to Huffer and our team members*". For context, Mr Timmins-Scanlon has been expressing his view online that a recent Huffer marketing campaign used AI models to create images because a "*model*" in one of the pictures appears to be a 'mash-up' of him and his brother who have both previously modelled for Huffer. He has used this situation to start a discussion around the use of AI models in the industry more generally.

3. You explain that Mr Timmins-Scanlon was blocked from Huffer's social media for his use of the term, "*go hard*". We understand the full comment left by Mr Timmins-Scanlon on one of Huffer's posts was, "*Yo that ai model actually goes hard.*" The phrase "*goes hard*" as used in contemporary slang, is an expression of strong positive approval. It indicates that something is exceptionally good, impressive, or of high quality. It is difficult to see how the use of that term would warrant being blocked on social media, even if it was being used sarcastically. What is more likely, particularly given the threat of HDCA proceedings, is that Mr Timmins-Scanlon was blocked for asserting that Huffer used an AI model. Notwithstanding, the key issue is here your threatened use of the HDCA.

4. You assert that he is "*entitled to express*" his views however, at this stage and in the absence of written communication from Mr Timmins-Scanlon or his manager, you deem the allegations to be false. You also incorrectly assert that *"identifying individuals in any way"* is also a breach of the HDCA. On that basis, you demand that he "*immediately remove, or amend, any posts or comments that may breach…the Harmful Digital Communications Act.*"

5. Section 11 of the HDCA provides that applications can only be made by individuals who allege that he or she has suffered or will suffer harm as a result of a digital communication, a parent or guardian on

behalf of the affected individual, the professional leader of a registered school, the Police or the chief coroner. If you or any of your staff wish to make an application under the HDCA, they are entitled to do so in their personal capacity but Huffer, as a registered company is not. Accordingly, your assertion that Huffer has the right to lay a complaint with Netsafe and the Police under the HDCA is incorrect. Threatening to do so is intimidation and abuse of the HDCA.

6. We also note that your assertion that Mr Timmins-Scanlon's allegations are false in the absence of written communication from him is difficult to understand – either the model in the image was AI generated/modified or not. Any communication you receive from Mr Timmins-Scanlon, or a representative of his, does not change that fact.

7. Accordingly, we invite your comment on the following:

    a. How does Huffer, as a registered company, have the right to make a complaint under the HDCA with Netsafe or the Police?

    b. What specific posts and comments does Huffer allege breach the HDCA and why were they not identified in your letter to him of 6 June 2026?

8. To be clear, we are not concerned here with whether Mr Timmins-Scanlon's views are correct. We are concerned with Huffer's apparent threat to invoke the HDCA against lawful expression.

9. We await your response.

Yours faithfully,
Free Speech Union (New Zealand) Inc.



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