COMPLAINT NUMBER	16/297
COMPLAINANT	G. Wong and Others
ADVERTISER	Fluoride Free NZ
ADVERTISEMENT	Fluoride Free NZ Television
DATE OF MEETING	13 September 2016
OUTCOME	Not Upheld

SUMMARY

A television advertisement for Fluoride Free New Zealand was screened on TV3 nine times between 29 July and 6 August 2016, at different times of day, including during the 6pm news and the "Mrs Doubtfire" movie. This advertisement is also available on the Fluoride Free New Zealand website.

The Complaints Board received six complaints about this advertisement. The Complainants said the advertisement contained misleading information and played on fear to get its message across.

The Complaints Board confirmed that the advertisement was advocacy advertising and should therefore be considered in that context. The Complaints Board noted the concerns of the Complainants, particularly that the advertisement played on fear. The majority of the Complaints Board however decided that the advertisement did not reach the threshold required to breach the Code of Ethics.

The Complaints Board ruled to Not Uphold the complaint.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to first consider the advertisement with reference to Rule 11 of the Advertising Code of Ethics "Advocacy Advertising".

This required the Complaints Board to consider whether or not the advertisement met the definition of advocacy advertising, and, if so, whether or not the advertisement breached the Code of Ethics. This also required the Complaints Board to consider whether the opinion of the Advertiser was clearly distinguishable and whether the identity of the Advertiser was clear.

Advocacy advertising is often characterised by parties having differing views that are expressed in robust terms. This is especially so when there is proposed legislation or a

referendum on an issue. In this case the New Zealand Government has proposed new legislation to shift responsibility for water fluoridation from local councils to district health boards. The Complaints Board does not take a view on the issue being presented, its role is to ensure there is fair play and the right of free expression is not unduly restricted.

The Chair then directed the Complaints Board to consider the advertisement with reference to Basic Principle 4, Rules 2 and 6 of the Code of Ethics.

This required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society. The Complaints Board also had to consider whether the advertisement contained any statement or visual presentation or created an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

The Complaints Board also had to consider whether the advertisement exploited the superstitious without justifiable reason or played on fear.

The Complaints Board ruled to Not Uphold the complaint.

The Complaint
The Advertising Standards Authority received six complaints about this advertisement.

The Complaints Board noted the Complainants G Wong, S Willoughby Martin, E Walker, P Evans, and D Ryan had similar concerns that the scientific information in the advertisement was being used to convey a particular point of view, and the way this was done was misleading. The Complainants believe the use of the words “acid”, “waste product” and “toxic chemical” have negative connotations.

The Complainants also felt that the advertisement played on fear.

One of the complainants, A Campbell, was also of the view the advertisement was damaging to the reputation and functioning of the New Zealand healthcare sector.

The Advertiser’s Response
The Advertiser said they had prepared this advertisement with a due sense of social responsibility and they believe consumers have a right to know what is added to their food and water.

The Advertiser said the words they used are truthful, in that the chemical added to the drinking water is an acid, and it does contain traces of lead, arsenic, mercury and sometimes uranium. A table about chemical analysis, published by the Hamilton City Council, was provided.

The Advertiser commented that the word “traces” is generally understood to mean very low levels and most people would not consider traces of something likely to cause harm.

The Advertiser said hydrofluorosilicic acid, the ingredient used in water fluoridation, can be referred to as a “waste product” as EPA spokesperson Rebecca Hammer said that “fluoridation was a good solution to pollution”.

The Advertiser said the workers that handle the chemicals used for fluoridation do wear hazmat suits and fluoride chemicals can be referred to as “toxic”.

In response to the claim that the Advertiser is playing on fear the Advertiser said they see their role as public health advocates and they believe they have “justifiable reason” to inform the public about what is being added to their water.

The Advertiser said most people are aware that workers are required to wear safety gear such as hazmat suits when handling water treatment chemicals.

The Commercial Approvals Bureau (CAB) Response
The CAB said it approved this advertisement on 30 June 2016 with a GXC classification, which, as a rule, is applied to all political advocacy advertisements.

The CAB noted that if “hexafluorosilicic acid” is toxic and a waste product then the Advertiser has every right to present that as fact.

The CAB noted that the Advertiser had undertaken due responsibility by making sure that all factual statements were correct and that the opinion of their organisation is clear.

The CAB said the opinion of the Advertiser, that fluoride should be removed from New Zealand drinking water, is just that, an opinion. The expression of political opinion is protected by Rule 11 of the Code of Ethics.

Precedents
To assist in coming to its decision the Complaints Board reviewed a recent precedent decision.

The precedent considered was the NZ Palestine Human Rights Campaign complaint - Appeal 16/008.

In its decision the Appeal Board agreed that when considering complaints where Complainants and Advertisers have oppositional views on a single issue, the clear identification of the Advertiser and their position was essential to provide context for the consumer. The Appeal Board went further, and agreed that if such identification was clear, then the content of the advertisement should be interpreted by applying the spirit of the Code rather than looking for technical breaches. However, if the identity of the Advertiser and their position on an issue was not clear, a more technical interpretation of the Code would apply.

The Appeal Board acknowledged the role of the Bill of Rights Act in providing protection for freedom of expression, however, it noted this freedom is not absolute. The ASA Codes of Practice fetter this to an extent and the Appeal Board accepted the need for balance in assessing whether the limitations imposed by the Code are reasonable and demonstrably justified, in the context of our society.

The Complaints Board’s Discussion
Having considered all the information provided the Complaints Board turned to consider whether this advertisement could be considered as an advocacy advertisement under Rule 11 of the Advertising Code of Ethics.

The Complaints Board discussed how the use of emotive pictures, a deep tone voice-over, hazmat gear and images of a factory all contributed to the “dark and sinister” feel of the

advertisement. The Complaints Board noted that these features of the advertisement also helped to indicate the point of view of the Advertiser.

The Complaints Board discussed whether the identity of the Advertiser was clear. The Board agreed that, although the name of the Advertiser wasn't shown until the end of the advertisement, it was clearly displayed as Fluoride Free New Zealand.

The Complaints Board agreed that as both the identity and the position of the Advertiser were clear then the advertisement had to reviewed in the context of advocacy advertising, which is advertising designed to express an opinion. As such, and in the interests of freedom of expression under Section 14 of the Bill of Rights Act 1990, a more liberal interpretation of the Code was appropriate

The Complaints Board discussed the comments made in the advertisement and agreed that they were fact-based statements, backed up with evidence provided by the Advertiser. The Board discussed the tone of the advertisement and how the advertisement might be frightening for vulnerable people. The Board also discussed how, although some of the imagery could be seen to have encouraged a frightened response, the Advertiser had a justifiable reason in the circumstances. The Advertiser was conveying information about the water fluoridation process, and expressing their personal view.

The Complaints Board noted while the advertisement was attention-grabbing it also encouraged the viewer to find out more about this topic for themselves.

The majority of the Complaints Board ruled the advertisement was not in breach of Basic Principle 4 and Rule 6.

The Complaints Board agreed the advertisement was provocative and could be offensive to people and groups who held an opposite view to the one presented. However, it said an alternative view did not make it misleading and robust opinion was allowable under the provisions of Rule 11 of the Code of Ethics.

The Complaints Board agreed the advertisement did not conflate opinion and fact as it was clearly presented from a particular perspective and met the provisions of robust opinion identified in Rule 11 of the Code of Ethics. In light of this, the advertisement was also not in breach of Rule 2.

The minority of the Complaints Board ruled the advertisement was in breach of Basic Principle 4 and Rule 6, due to the upsetting tone of the advertisement and the way it encourages fear, especially for vulnerable consumers.

Decision: Complaint **Not Upheld**

DESCRIPTION OF ADVERTISEMENT

The TV advertisement for Fluoride Free New Zealand was screened on TV3 nine times, at different times of day, including during the 6pm news programme and during the Mrs Doubtfire movie.

The advertisement consisted of a series of images and the voiceover of a man with a deep, authoritative voice. The images showed a factory with two tall, smoking chimneys, water being piped into glass containers, a beautiful lake in a mountainous area, a worker holding a large plastic container wearing protective clothing and water being poured into a drinking glass.

The voiceover described how hydrofluorosilicic acid, commonly known as fluoride, is collected from the chimneys of the fertiliser industry and added to our drinking water. The voiceover also said this fluoride chemical is banned from being released into the air sea, lakes and rivers because it is toxic to animals and the environment.

The advertisement ends with the phrase “Find out the facts, visit FluorideFree.org.NZ”.

COMPLAINT FROM G. WONG

On the 5th of August 2016, an advertisement classifying under advocacy advertising by the Fluoride Free NZ organization was aired on TV3, during an advertisement break in the 6pm News. I had also seen this advertisement aired at a similar time, on a previous day in the week. There is a similar advert online from the same company, which can be found on youtube, which I will reference for some points of interest (https://www.youtube.com/watch?v=e6txMDojbsA&feature=youtu.be).

I feel that the most appropriate code which has been broken, is the Advertising Code of Ethics, as the advert is advocating stopping water fluoridation. Within this code, I believe the advertisement breaks Rule 2, Truthful Representation, when it emphasizes words such as: “Acid”; “Fluoride”; “Waste Product”; several Elements of the Periodic Table, with no mention as to their effects – which is especially relevant because they have negative connotations associated with them for many people, simply acknowledging that the product used to add fluoride to water can contain them; “Banned”; “Toxic Chemical”, which is affirmed further in displaying a worker in Personal Protective Equipment, but neglects to notice that it is commonly required equipment in many professional vocations.

In emphasizing these words, the advertisement played on fear, which would be in violation of Rule 6, Fear, of this Advertising Code, as none of the aforementioned words have positive connotations

The advertisement also does not mention anything about the potential dangers of fluoride, the very chemical they are advocating removal of from water. This is particularly important in relation to Rule 2, Truthful Representation, as they do not give the information perhaps the most important about water fluoridation, which is when fluoride is present in water in New Zealand, there is no more than 1ppm of fluoride present. This equates to requiring drinking over 5,000 glasses of water at one time before approaching toxic levels of fluoride (http://www.health.govt.nz/our-work/preventative-health-wellness/fluoridation/water-fluoridation/fluoride-and-safety,
Ministry of Health NZ, “Fluoride and Safety”, accessed 8/8/16).

While the chemical which is used to add fluoride to water, Hexafluorosilicic acid is indeed a toxic chemical and waste product, as is mentioned in the advertisement, the processes which are undergone in treatment plants are rigorous in ensuring any additional compounds added to fluoridated water are not present. The Hexafluorosilicic acid which is used in this process must conform to the standards laid out in this document (https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=315&File=140604_nzwwa_f_gpg_revision_final.pdf) also, which is in place to ensure there is an approved composition of the chemical to be used. A process by which the chemical is made can be

found here as well (http://nzic.org.nz/ChemProcesses/production/1C.pdf) which notes the purpose of water fluoridation as well.

Water fluoridation within regulations is also approved by the Ministry of Health NZ, given the results from a review published by the Royal Society of New Zealand in August 2014, which was commissioned by the New Zealand Prime Minister's Chief Science Advisor at the time, at the request of several Councils in New Zealand, where the review can be found here: http://www.royalsociety.org.nz/2014/08/22/review-finds-community-water-fluoridation-safe-and-effective/.

COMPLAINT FROM S. WILLOUGHBY MARTIN

I am wanting to make a complaint against the Fluoride TV add that aired during the Mrs Doubtfire movie on TV3.

I feel this ad is giving incorrect information (that the chemicals ditributed into water are diluted to such a low level they cause no health risk but instead create a health benefit) and that the ad is playing on the fear of those un-informed of the issue, and providing only the bad (incorrect) information without any mention of the benefit.

I am surprised this advertisement ever made it past the Standards committee and I hope this will be investigated quickly. Thank you for your time.

COMPLAINT FROM E. WALKER

Fluoridation of our water supply is an important public health measure, and i am concerned that this advertisement contains misleading information. The advertisement talks of flouride being a waste product and shows that it requires full hazmat gear to move, suggesting that it is therefore harmful to be added to the water supply. However, thousands of studies have found flouride, when added to drinking water at the recommended amount, to be a safe and effective way of managing tooth decay.

While it is dangerous in high quantities, other additives to drinking water, such as chlorine would be just as, or more dangerous in bulk quantities. This advertisement is misleading and fear mongering. The advertiser's website is flouridefree.organization.nz and contains examples of the two ads they have run this year on TV3

COMPLAINT FROM P. EVANS

Advertising against fluoride in water using "facts" that have been proven to be incorrect as reinforced via peer reviewed scientific information. There is no way that you'd allow anti vaccine advertisements to be screened, so why spread misinformation and scaremonger the population.

COMPLAINT FROM A. CAMPBELL

This fluoride free New Zealand commercial was a blatant political commercial whilst not mentioning it was a fluoride commercial until the very end. Furthermore the information contained within was extremely factually inaccurate and potentially hugely damaging to the

reputation and functioning of the New Zealand healthcare sector. This kind of highly biased political agenda should not be screened during a children's movie if at all and certainly not without a disclaimer before the commercial displaying the agenda of the add.

COMPLAINT FROM D. RYAN

Fluoride Free NZ's two TV adverts, which are listed on their website (http://fluoridefree.org.nz/) and transcripted below, breach the following rules of the Advertising Code of Ethics: 2. Truthful Presentation; 3. Research, Tests and Surveys; 6. Fear; 11. Advocacy Advertising:

Context: There is an upcoming proposed law change regarding water fluoridation, which would pass on ownership of fluoridation from DHBs to local councils. FFNZ have said that they would like this new law to be scrapped (https://givealittle.co.nz/cause/fluoridemediacarrinaigri),

Video 2 (https://www.youtube.com/watch?v=e6txMDoibsA)

Video 2 repeatedly breaks the ASA's Ethics Code Rule 6, Fear:

1) The advert uses words that are likely to play on people's fear, such as acid, waste product, chimneys, 'fertiliser industry', lead, mercury, arsenic, uranium, banned and toxic.

2) The average member of the public will not have a good understanding of water treatment processes, and I feel that this advert abuses this lack of general knowledge. Hydrofluorosilicic acid (HFA) fully hydrolyses in water, and there is no acid left in drinking water. The only chemical remaining in the water is fluoride ions, and they are identical to the naturally occurring fluoride ions that are already in the water supply. The source of the fluoride is irrelevant, and focussing on the source of the Details fluoride will only stand to confuse the public.

3) Fluoride Free NZ also try to scare viewers by using a stock photo of a person wearing a hazmat suit.

(www.shutterstock.com/pic-118178743/stock-photo-worker-in-protective-unifomimaskdoves-and-boots-rolling-ban-el-of-chemicals-in-emnty-storehouse-fish-eye-lens.html).

Video 2 breaks the ASA's Ethics Code Rule 2, Truthful Presentation:

1) "Hydrofluorosilicic acid, commonly known as fluoride". Hydrofluorosilicic acid is commonly used for water fluoridation, but it is not commonly known as fluoride.

2) "Hydrofluorosilicic acid... is a waste product". This is not true. HFA can be made in a variety of ways, and is a byproduct of several industrial processes - not a waste product. This byproduct has many uses - solar panel fabrication, computer chip fabrication, chemical stock, glass etching and of course the fluoride additive in drinking water.

3) "This fluoride chemical also contains traces of lead, aluminium, mercury, arsenic and sometimes uranium". This statement is misleading, as it neglects to put these trace elements into context. Water sources themselves frequently have such trace amounts of the listed elements, often at higher levels than might be introduced by the addition of fluoride via HFA. Given that the water still has to pass the "Drinking-water Standards for New Zealand" (https://www.watemz.org.nz/Folder?Action=View%20File&Folderid=315&File=140604nzwwafgpgrevisionfinal.pdf) these elements will only ever be present in the water at a safe level.

4) "It is banned from being released into the air, sea, lakes and rivers because it is toxic to animals and the environment." This is misleading. Although it is illegal to release concentrated HFA into the environment (as is the case with most chemicals: www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html), the end product of water fluoridation - fluoridated water - can be, and is, safely released into the environment in large quantities.

Video 2 breaks Ethics Code 11, Advocacy Advertising:

1) Given the factual issues listed above, opinion has not been clearly distinguished from fact in this video.
2) As with video 1, the identity of the advertiser is not clear.

Full Video Transcripts

Video 2:

"Hydrofluorosilicic Acid, commonly known as fluoride, is a waste product collected from the chimneys of the fertiliser industry.

This fluoride chemical also contains traces of lead, aluminium, mercury, arsenic and sometimes uranium.

It is banned from being released into the air, sea, lakes and rivers because it is toxic to animals and the environment.

Instead, ratepayers' money buys this toxic chemical, handled by workers wearing hazmat suits like this.

This fluoride is what goes into our drinking water

Find out the facts, visit fluoridefree.org.nz"

CODE OF ETHICS

> **Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society
>
> **Rule 2: Truthful Presentation** - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).
>
> **Rule 6: Fear** - Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.
>
> **Rule 11: Advocacy Advertising** - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

RESPONSE FROM ADVERTISER, FLUORIDE FREE NZ

RESPONSE FROM FLUORIDE FREE NZ - ASA COMPLAINT 16/297

DESCRIPTION OF ADVERTISEMENT
https://www.youtube.com/watch?v=sHOyioLVdJQ

ADVERTISEMENT SCRIPT

Hydrofluorosilicic acid, commonly known as fluoride, is a waste product collected from the chimneys of the fertiliser industry.

This fluoride chemical also contains traces of lead, aluminium, mercury, arsenic and sometimes uranium.

It is banned from being released into the air, sea, lakes and rivers because it is toxic to animals and the environment.

Instead, ratepayers' money buys this toxic chemical handled by workers wearing hazmat suits like this.

This fluoride is what goes into our drinking water.
Find out the facts, visit FluorideFree.org.nz

RESPONSE

We have been asked to respond to this complaint under the following codes:
Code of Ethics – Basic Principle 4
Code of Ethics – Rule 2
Code of Ethics – Rule 6
Code of Ethics – Rule 11

Code of Ethics

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 2: Truthful Presentation Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

Rule 6: Fear Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.

Rule 11: Advocacy Advertising Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore, such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

Basic Principle 4

We have prepared our advertisement with a due sense of responsibility, with attention to the fair and robust treatment of matters which concern the public, as this is our raison d'être. We understand it is not the mandate of the ASA to make judgments on which opinions are more valid than others, or to be the arbiter of fact. We firmly believe consumers have a right to know what is added to their food and water. They have a right to know where any additives are sourced and if these additives contain traces of heavy metals or radioactive materials. It is socially responsible to give this information to consumers.

Rule 2: **Truthful Presentation**

Claims that the advertisement breaks Rule 2:

G. Wong:

“emphasizes words such as: ‘Acid,’ ‘Fluoride’, ‘Waste Product’; several Elements of the Periodic Table, with no mention as to their effects – which is especially relevant because they have negative connotations associated with them for many people, simply acknowledging that the product used to add to water can contain them”.

“This equates to drinking over 5,000 glasses of water at one time before reaching a toxic level of fluoride”

E. Walker:

“I feel this ad is giving is giving incorrect information (that the chemicals distributed into the water are diluted to such a low level they cause no health risk but instead create a health benefit”

P. Evans:

“Advertising against fluoride in water using ‘facts’ that have been proven to be incorrect”

A. Campbell:

“The information contained within was extremely factually inaccurate”

D. Ryan:

1) “‘Hydrofluorosilicic acid, commonly known as fluoride’. Hydrofluorosilicic acid is commonly used for water fluoridation, but it is not commonly known as fluoride.”

2) “‘Hydrofluorosilicic acid... is a waste product’. This is not true. HFA can be made in a variety of ways, and is a byproduct of several industrial processes - not a waste product. This byproduct has many uses - solar panel fabrication, computer chip fabrication, chemical stock, glass etching and of course the fluoride additive in drinking water.”

3) “‘This fluoride chemical also contains traces of lead, aluminium, mercury, arsenic and sometimes uranium’. This statement is misleading, as it neglects to put these trace elements into context. Water sources themselves frequently have such trace amounts of the listed elements, often at higher levels than might be introduced by the addition of fluoride via HFA. Given that the water still has to pass the ‘Drinking-water Standards for New Zealand’ (https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=315&File=140604_nzwwa_f_gpg_revision_final.pdf), these elements will only ever be present in the water at a safe level.”

4) "'It is banned from being released into the air, sea, lakes and rivers because it is toxic to animals and the environment.' This is misleading. Although it is illegal to release concentrated HFA into the environment (as is the case with most chemicals: www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html), the end product of water fluoridation - fluoridated water - can be, and is, safely released into the environment in large quantities."

G. Wong claims that we have broken Rule 2 when we used the words "banned" and "toxic chemical" and that we neglected to point out at the same time that the Personal Protective Equipment that the worker is wearing is commonly required in many professional vocations.

However, the words used are truthful, in that the chemical added to the drinking water is an acid, and it does contain traces of lead, arsenic, mercury and sometimes uranium, as this chemical analysis from Hamilton City Council shows: (page 24 of attached LGOIMA Request Scaling Problem)

Sample Type: Fluorosilicic Acid

	Sample Name: / Lab Number:	HFA Batch # 2015107M 21-Apr-2015 / 1415879.1	Specifications	Outside Limit
Fluorosilicic Acid				
Apparent Hazen Colour	Hazen units	70	maximum of 200	No
Turbidity	NTU	0.65	< 20 NTU.	No
Fluorosilicic acid (H_2SiF_6)	%	22.4	21.0 - 23.0%	No
Free Acidity (as HF)	%	0.13	< 1.0% w/w	No
Total Suspended Solids	g/m³	< 60	< 1,000 g/m³	No
Specific Gravity	20°C/20°C	1.21	1.20 - 1.23	No
Aluminium	mg/kg as rcvd	22	-	-
Antimony	mg/kg as rcvd	< 0.09	-	-
Arsenic	mg/kg as rcvd	3.2	-	-
Barium	mg/kg as rcvd	1.08	-	-
Beryllium	mg/kg as rcvd	< 0.05	-	-
Cadmium	mg/kg as rcvd	0.06	-	-
Chromium	mg/kg as rcvd	1.2	-	-
Copper	mg/kg as rcvd	0.3	-	-
Iodine	mg/kg as rcvd	43	< 50 mg/kg	No
Iron	mg/kg as rcvd	41	-	-
Lead	mg/kg as rcvd	0.06	-	-
Manganese	mg/kg as rcvd	0.9	-	-
Mercury	mg/kg as rcvd	< 0.05	-	-
Molybdenum	mg/kg as rcvd	< 0.09	-	-
Nickel	mg/kg as rcvd	1.0	-	-
Phosphorus	mg/kg as rcvd	690	< 1,000 mg/kg	No
Selenium	mg/kg as rcvd	< 0.5	-	-
Silver	mg/kg as rcvd	< 0.05	-	-
Thallium	mg/kg as rcvd	< 0.03	-	-
Tin	mg/kg as rcvd	< 0.3	-	-
Uranium	mg/kg as rcvd	0.52	-	-
Zinc	mg/kg as rcvd	1.7	-	-

Fluoridation chemicals are banned from being released into the environment unless they are diluted through the public water supply. This news article1 shows how Ravensdown (NZ Phosphate Fertiliser manufacturer) was taken to the Environmental Court for allowing fluoride to be emitted into the air and damaging crops.

We have emphasised some of these words as, in our advocacy position, we are trying to alert the public to these basic facts, as most people believe that the fluoride added to the water is naturally occurring calcium fluoride. They believe this because proponents

[1] http://www.voxy.co.nz/national/orchardist-and-fertiliser-giant-reach-settlement/5/5807

continually refer to fluoridation as “the process of adjusting the natural level of fluoride in the water supply”2 We believe proponents’ description of fluoridation to be highly misleading.

The process of fluoridation does require workers handling the chemical to wear hazmat suits. “Toxic” is the common and correct usage for fluoride chemicals:

> *Page 6 of the attached* ***Fluoride Standard NZ*****:**
>
> 3.1.1 “Fluoride compounds are toxic and should be handled with care. Suppliers of fluoride compounds must comply with the relevant regulations for classification, marking, packaging, labelling and transporting of material, currently including the Hazardous Substances and New Organisms Act 1996 and Regulations and their amendments, Land Transport Rule 45001/1 and NZS 5433.1&2: 2012, Transport of Dangerous Goods on Land.”

Most members of the public are aware that protective clothing and equipment are commonly required in many vocations, so it is not our purview to tell people what is generally known. However, members of the public are likely unaware of this requirement for handling fluoride chemicals, as most members of the public still wrongly believe that fluoride is a safe nutrient. The Lancet published research in 20143 that classifies fluoride, along with lead, mercury, arsenic and 11 other poisons as neurotoxins. Therefore, we have presented this truthfully and with a due sense of social responsibility.

G. Wong’s complaint that people would need to drink 5,000 glasses of fluoridated water at one time to reach a toxic dose, is incorrect and irrelevant to this advertisement. We do not claim, or imply, that anyone is going to reach an acute toxic level of fluoride from drinking fluoridated water at one time. In fact, the number of glasses providing a toxic dose would most often be far fewer than 5,000, but it depends on age, body weight, and concentration of fluoride in the water etc. Our primary aim is to educate the public about the low chronic dose people receive from ingesting fluoridated water over many years, which causes documented illness4 for many people. However, as stated, we did not make claims about acutely toxic or fatal dosages in the advertisement, so this is a moot point.

D. Ryan complains that we are being untruthful by saying that hydrofluorosilicic acid is commonly known as fluoride. He is wrong, as fluoridation chemicals throughout all scientific and laypersons’ literature are commonly referred to as “fluoride”. The Ministry of Health frequently refers to HFA as “fluoride”.[5]

D. Ryan complains that hydrofluorosilicic acid is not a waste product. However, it was admitted by EPA spokesperson Rebecca Hammer that “fluoridation was a good solution to pollution”[6.]

According to Water Standards New Zealand (see attached Fluoride Standards Water NZ, page 2)

> 1.5.1 “Hydrofluosilicic acid is produced as a co-product in the manufacture of phosphate fertilisers. Phosphate rock, which contains fluoride and silica, is treated with sulphuric acid. This produces two gases: silicon tetrafluoride and hydrogen

[2] http://www.health.govt.nz/our-work/preventative-health-wellness/fluoridation
[3] http://www.thelancet.com/journals/laneur/article/PIIS1474-4422%2813%2970278-3/abstract
[4] http://www.pauapress.com/fluoride/files/1418.pdf.
[5] http://www.health.govt.nz/our-work/preventative-health-wellness/fluoridation
[6] http://www.nofluoride.com/EPA_Ideal_Solution.cfm

> fluoride. These gases are passed through scrubbers where they react with water to form hydrofluosilicic acid."

It is irrelevant that hydrofluosilicic acid may be created by other industry sources, as it is the production of phosphate fertiliser that creates the chemical used in water fluoridation.

Auckland Council buys 700 tonnes of hydrofluosilicic acid for approximately $250,000, giving the approximate cost per tonne of $350. Given that it is expensive to transport hazardous goods, the cost of purchasing the chemical itself must be just about negligible. If the producers of this fluoride chemical had other uses for it, then it is not likely they would be selling it so cheaply. We also note that none of the other uses in Dan Ryan's list involves uses for human consumption. Ryan's choice to call HFA a "byproduct" is simply semantics for the purpose of marketing a waste product to dispose of it by selling it.

D. Ryan complains that we have misled people by not putting the traces of contaminants in context. However, we did stipulate in the advertisement that "traces" of these contaminants were added. People generally understand that "traces" means very, very low levels, and most people would not consider "traces" of something to be likely to cause harm. However, it is still unknown at what point any of these contaminants do cause harm, especially when ingested over a lifetime. Considering New Zealand has the fourth highest rate of cancer in the world and some of these contaminants are carcinogens, it could be that our health authorities have not yet found the real safe level to protect sensitive groups, particularly people with kidney disease, diabetes and bottle-fed babies. No safety studies have ever been conducted anywhere in the world, and our main aim is to afford the public the respect to which they are entitled by explaining the composition of the chemical compound used in water fluoridation.

> 1. Quote from the Environmental Protection Agency in the USA: *"To answer your first question on whether we have in our possession empirical scientific data on the effects of fluorosilicic acid or sodium silicofluoride on health and behaviour, our answer is no."* Source: http://www.fluoridealert.org/wp-content/uploads/epa-masters.pdf
>
> 2. Quote from the Water Research Centre in the UK: *"I can inform you categorically that WRC-NSF has never tested any samples of disodium hexafluorosilicate or hexafluorosilicic acid. Therefore in this case we have no test data to release nor names of clients – these simply do not exist."* Source: http://fluoridealert.org/articles/f-testing/

Our inclusion of the word "traces" ensures that we have met the requirement for truthful representation that does not mislead.

D. Ryan complains that we are telling people that HFA is banned from being released into the environment because other hazardous chemicals are also banned, and that HFA is released "safely" into the environment in large quantities.

We have been truthful in telling people that HFA is banned from being released into the environment. This is the ONLY hazardous chemical, banned from being released into the environment, that can instead be added to the public water supply as a means to dilute it before it reaches the wider environment.

When fluoride is released from volcanoes, it causes a huge amount of environmental damage. From the US Department of the Interior:

"When magma ascends close to the surface, volcanoes can emit the halogens fluorine, chlorine and bromine in the form of hydrogen halides (HF, HCl and HBr). These species are all strong acids and have high solubility; therefore, they rapidly dissolve in water droplets within volcanic plumes or the atmosphere where they can potentially cause acid rain. In an ash-producing eruption, ash particles are also often coated with hydrogen halides. Once deposited, these coated ash particles can poison drinking water supplies, agricultural crops, and grazing land."[7]

When fluoride is released into the sea, it is also known to cause damage. In a field study, Damkaer and Dey[8] demonstrated that high salmon loss at John Day Dam on the Columbia River was caused by the inhibition of migration by fluoride contamination. They determined that the "critical level" was 0.2ppm. There are other studies that indicate levels below water fluoridation level, 1.5ppm, have lethal and other adverse effects on fish. Delayed hatching of rainbow trout has occurred at 1.5ppm[9], brown mussels have died at 1.4ppm[10]; an alga (Porphyria tenera) was killed by a four-hour fumigation with fluoride with a critical concentration of 0.9ppm [11], and levels below 0.1ppm were shown to be lethal to the water flea, Daphnia magna [12]. Studies have also shown that waste water often contains higher amounts of fluoride than was added to the water supply[13] [14]and that the concentration in both surface run-off and sewer effluent exceeds 0.2ppm which has been shown to affect aquatic life.

Fluoride was actually the first industrial chemical to spark the environmental movement as it was proven that industry was releasing fluoride into the air causing damage to the environment, crops and livestock. As a result of lawsuits, it was subsequently banned[15]. As no safety tests have been conducted that prove otherwise, there is no rationale to presume that the fluoridation chemicals would not be causing any environmental damage.

Ryan's belief that fluoride is being released safely once diluted, appears to be based on wishful thinking, rather than any serious study of the literature.

Our representation is truthful and does not mislead.

Rule 6: Fear
Claims that the advertisement breaks Rule 6:

> G. Wong
> "emphasising words such as "acid", "fluoride", "waste product", "banned' and "toxic chemical" plays on fear"

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[7] https://volcanoes.usgs.gov/vhp/gas.html
[8] Damkaer DM, Dey DB. Evidence for fluoride effects on salmon passage at John Day Dam, Columbia River, 1982-1986, North American Journal of Fisheries Management, 9 154-162 1989;
[9] EIlis MM, Westfall BA, Ellis MD. Determination of Water Quality Research Report 9, Fish and Wildlife Service, Department of Interior, Washington DC 1938 pp 81-82;
[10] Hemens J: Warvick RJ, Oleff WD. Effect of extended exposure to low fluoride concentration on estuarine fish and crustacea. Progress in Water Technology 7 579-585 1975;
[11] Ishio S, Makagawa H (1971). Cited in: Rose D. Marier J. Environmental Fluoride 1977. National Research Council of Canada, Ottawa 1977, p 30
[12] Dave G. Effects of fluoride on growth reproduction and survival in Daphnia magna, Comparative Biochemistry and Physiology, 78c (2) 425-431 1984;
[13] Masuda TT. Persistence of fluoride from organic origins in waste waters. Developments in Industrial Microbiology, 5, 53-70 1964
[14] Singer L. Armstrong WD. Fluoride in treated sewage and in rain and snow. Archives of Environmental Health, 32 21-23 1977
[15] http://www.macquirelatory.com/Christopher%20Bryson%20-%20The_Fluoride_Deception.pdf

S. Willoughby-Martin
"the ad is playing on the fear of those un-informed of the issue"

E. Walker
"the ad is fear-mongering"

P. Evans
"scaremonger the public"

D. Ryan
"The advert uses words that are likely to play on people's fear, such as acid, waste product, chimneys, 'fertiliser industry', lead, mercury, arsenic, uranium, banned and toxic."

"The average member of the public will not have a good understanding of water treatment processes, and I feel that this advert abuses this lack of general knowledge. Hydrofluorosilicic acid (HFA) fully hydrolyses in water, and there is no acid left in drinking water. The only chemical remaining in the water is fluoride ions, and they are identical to the naturally occurring fluoride ions that are already in the water supply. The source of the fluoride is irrelevant, and focussing on the source of the fluoride will only stand to confuse the public."

"Fluoride Free NZ also try to scare viewers by using a stock photo of a person wearing a hazmat suit."

G. Wong and D. Ryan complain that using words such as "acid" etc are "playing on fear". However, the words used give a truthful representation of what the fluoridation chemicals are. In our experience, most people want to be told the truth about this regardless of whether the truth is palatable or not. Half of the country does not have fluoridated water and the other half has been drinking fluoridated water for perhaps as long as 60 years.

Our aim is for people to make informed decisions about health. This is the same aim as public health advertisements about drunk driving, tobacco, seatbelts and fire safety. Tobacco and alcohol suppliers do not complain to the ASA about public health campaigns that damage their reputations. Our advertisement is factually correct, not designed to terrify, as some of those other campaigns are intended. "Fear mongering" uses unproven claims. Our campaign is presenting factual and scientific information for the benefit of public health. We firmly hold that in our role as public health advocates, we do indeed have "justifiable reason" to inform the public about what is being added to their water. The right of the consumer to know what is being added to their water cannot be overridden.

D. Ryan claims that the average member of the public will not have a good understanding of water treatment processes. Fluoridation is not a water treatment process. HFA is not added to make the water potable as all other water additives are. It is added to the drinking water because some people still wrongly believe it is potentially beneficial to teeth. The fact that the average person may not have a full understanding of the process is no reason why they should not be told. It is not an "abuse of this general lack of knowledge" but the opposite – showing respect for people's right to know the truth about a very important matter.

Ryan claims the source of fluoride is irrelevant and that telling people will only serve to confuse them. It is Ryan's opinion that the source of fluoride is irrelevant, and in our experience, most people do not agree. If this point was truly irrelevant, then there would be no cause for Ryan to complain.

A letter last year from Sally Gilbert, Ministry of Health, (see attached Fluoride Standards Water NZ, last page), confirms that there is indeed a difference in types of fluoridation chemicals. A change in the production of hydrofluosilicic acid was causing insoluble silica precipitates that were causing scaling in the pipes. Manufacturers have had to change their process. This would not happen with naturally occurring calcium fluoride, as that would not contain added silica.

In New Zealand HFA is supplied to water suppliers at a bulk supply concentration of 18 percent w/w. Improvements in the manufacturing process since 1995 have lifted the concentration of HFA to around 22 percent, therefore dilution is required during manufacturing to achieve the 18 percent w/w concentration dosed into water supplies. The dilution of HFA from 22 percent to 18 percent w/w prior to dosing is causing silica scaling problems in HFA dosing lines which can cause blockages.

Section 1.7.1 of the Guide states that dilution of HFA in the range of 10:1 to 20:1 (parts water:parts acid) before feeding is not recommended due to the possible formation of an insoluble silica precipitate. A controlled trial conducted in New Zealand in early 2015 with undiluted 22 percent w/w HFA did not produce silica scale.

Ryan displays a huge arrogance in assuming the general public will be confused by learning where fluoridation chemicals come from. The general public are quite capable of knowing, and indeed have a right to know, everything about a chemical added to their drinking water. People who are “confused” are free to find out more information, and we have supplied resources for that purpose in the ads: FluorideFree.org.nz

D. Ryan claims that we are trying to scare people by showing them that workers are required to wear hazmat suits. We doubt very much that anyone would be “scared” to see this, as most people are aware that workers are required to wear safety gear when handling water treatment chemicals. What they may not be aware of is that fluoridation chemicals also require that level of safety precaution. Our intention was to utilise the very expensive, short time that we had (30 seconds) to inform as succinctly as possible, that fluoridation chemicals are hazardous products and not the naturally occurring minerals or nutrients that most people believe them to be.

Rule 11: Advocacy Advertising

We believe that we have undertaken clear measures to meet the criteria for advocacy advertising.

The identification of Fluoride Free NZ as the advertiser is clearly stated. Please refer to previous ASA ruling in our favour for COMPLAINT NUMBER 16/285 regarding this. We therefore feel the content of the ad should also be interpreted applying the intention of the Code. There are no technical breaches and the Commercial Approvals Bureau approved both of our advertisements before they went to air. We understand that the CAB considers careful criteria, which we clearly met. Taking into account the clear position on fluoridation that FFNZ publicly promotes, what we presented in the ad clearly falls under the category of robust opinion, allowed in advocacy advertising, under Rule 11.

Contact person for advertising complaints	Mary Byrne
A basic, neutral description of the advertisement	Public health information about water fluoridation.

Date advertisement began	27th July. Only ran 9 times.
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website	TV and social media: Facebook and Youtube
Is the advertisement still accessible – where and until when?	https://www.youtube.com/watch?v=sHOyioLVdJQ
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	https://www.youtube.com/watch?v=sHOyioLVdJQ
Who is the product / brand target audience? Please provide a copy of the media schedule.	Advert did not air on TV1 Advert aired 9 times on TV3: 29th July Paul Henry 30th July The Nation 30th July Block NZ Girls vs Guys 5th Aug Prime News 5.30pm 5th Aug Newshub at 6pm 5th Aug Hawaii Five-O 11.55pm 6th Aug Survivor 10.30am 6th Aug Newshub 6pm 6th Aug Saturday Movie
Pre-vetting Approval number if applicable	N/A
Clear substantiation on claims that are challenged by the complainant. Please see the Guidance Note.	Please see attached.
For Broadcast advertisements:	
A copy of the script	"Waste Product Ad" *Hydrofluorosilicic acid, commonly known as*

	fluoride, is a waste product collected from the chimneys of the fertiliser industry. *This fluoride chemical also contains traces of lead, aluminium, mercury, arsenic and sometimes uranium.* *It is banned from being released into the air, sea, lakes and rivers because it is toxic to animals and the environment.* *Instead, ratepayers' money buys this toxic chemical handled by workers wearing hazmat suits like this.* *This fluoride is what goes into our drinking water.* *Find out the facts, visit FluorideFree. org.NZ*
CAB key number and rating	FFNZ030WP1

RESPONSE FROM COMMERCIAL APPROVALS BUREAU OF BEHALF OF THE MEDIA

We have been asked to respond to this complaint under the following codes:
Code of Ethics – Basic Principle 4, Rule 11, Rule 2, Rule 6.

CAB approved this Fluoride Free NZ advertisement on 30/06/16 with a 'GXC' classification. As a rule, the GXC classification as is applied to all political advocacy advertisements.

A group of complainants have registered their exception to this advocacy advertisement. Amongst the issues expressed by the complainants are claims that the advertisement may be factually incorrect, that it may invoke fear amongst audiences, and more generally that they simply do not agree with its message.

Very similar complaints against other Fluoride Free NZ advertisements have reached 'No Grounds to Proceed' decisions, including complaints 12/272, 12/285 and 16/300.

Addressing the truthfulness and accuracy of this advertisement, individual complainants are shown to contradict themselves:

"… Hexafluorosilic acid is indeed a toxic chemical and waste product."
Complainant G. Wong

"… shows that [fluoride] requires full hazmat gear to move."
Complainant E. Walker

If hexafluorosilic acid is toxic and a waste product, then the advertiser has every right to present that material fact. That fact is unimpeachably, scientifically provable and constitutes a truthful statement.

Similarly, the use of protective clothing during the transport and handling of hexafluorosilic acid is definitely required; it is an immutable truth, a whole fact, and a truthful presentation.

The opinion that fluoride should be removed from NZ drinking water is just that – an opinion. The expression of political opinion is protected by Rule 11 of the Code of Ethics, noting that robust debate is essential for the functioning of a healthy democracy.

The advertiser has undertaken due responsibility in this commercial by making sure that all factual statements are correct, that the opinion of their organisation is clear (just look at their name), and by these measures that NZ viewers will not be misled or deceived.