

<b>COMPLAINT NUMBER</b>	19/200
<b>COMPLAINANT</b>	M Blood
<b>ADVERTISER</b>	Care Alliance
<b>ADVERTISEMENT</b>	Care Alliance Digital Marketing, Print, Out of Home
<b>DATE OF MEETING</b>	4 June 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The print, digital marketing and poster advertisements from Care Alliance has a backdrop of the names of 1000 doctors who are opposed to physician assisted suicide and euthanasia. The open letter advertisement says in part: “Doctors want no part in assisted suicide. We endorse the views of the World Medical Association and the New Zealand Medical Association that physician assisted suicide and euthanasia are unethical, even if they were made legal. ...We are especially concerned with protecting vulnerable people who can feel they have become a burden to others and few are committed to supporting those who find their own life situations a heavy burden.”

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, M Blood, said:** The Advertisement can also be found here: <http://doctorssayno.nz/> I also saw a poster of the ad on a pole outside Moore Wilson near Tory Street on Friday 10 May 2019.

This is an advertisement that advocates for a particular view in relation to the current end of life bill. I have no stake in this bill or any other relation to the medical profession that would influence my views. The context of the ad is the end of life bill, which will likely have a referendum and involve numerous campaigns from both perspectives. I believe that people should be able to make their own choices free from influence such as this advertisement that purports to be endorsed by "all doctors in New Zealand".

I submit to the Advertising standards authority my complaint on multiple grounds:

**Breach of Rule 1(g) Fear and Distress:**

The line in the ad "We are especially concerned with protecting vulnerable people who can feel they have become a burden to others, and we are committed to supporting those who find their own life situations a heavy burden."

Gives the impression that the end of life bill will allow those feeling depressed could get assistance for their own death. This creates fear and distress around the end of life bill that is not accurate or justified.

The second claim, which I will address again below, is the use of the term "suicide". This word seems to have been used in an emotive way to create fear and distress. New Zealand is a country with high rates of suicide and the term automatically associates itself with horrific events that are in no way connected with the impending end of life bill. That bill seeks to allow those suffering from a slow and painful death to skip the "process of dying", it is not the same as suicide and should not be referred to in this way to raise the fear of readers.

**Rule 2(b) Truthful Presentation**

In furtherance to the above, the claim made is misleading. It imports the view that the impending end of life bill will allow depressed individuals the opportunity to take their own life.

It also neglects information such as a persons ability to fly to Switzerland and end their life irrespective of their nationality.

Another misleading statement, is the following claim:

"Doctors want NO part in assisted suicide"

This is misleading as only 1055 Doctors have signed the letter at the time of writing this complaint. This is not all doctors and that is the claim being implied within the letter.

As above, the word suicide has been used in a misleading way. The dictionary defines suicide as the taking of ones own life. This is different and is done so in specific contexts. Suicide is also naturally associated with depression, something the end of life bill is not addressing.

Breach of Rule 2(e) Advocacy advertising

The advertisement does not directly oppose the end of life bill, but has clearly arisen in the context of this bill. It would be a breach not to state the position of Doctors Say No on this bill. Another breach is the claim that assisted dying is not ethical, even if made legal. This is also misleading. Ethics is a complex topic and changes with the times, for example, it was not so long ago that this country thought Marriage Equality was unethical. The claim should be retracted as it is not a clear statement. Using the NZMC and WMA to verify their position on the ethics of assisted dying is not a justification and is also misleading in relation to the end of life bill.

I believe that this advertisement will influence the views of people to the think the end of life bill is a bill to allow, as they say, assisted suicide for those with mental illnesses. It is not in line with the ASA code and should be withdrawn and substantially rewritten to say the truth, such as:

"These doctors who have signed this letter do not support the end of life bill"

"They do not agree that assisted dying is ethical, even if it is made legal by way of the end of life bill"

Statements such as these are a truer representation of the views of these doctors and do not spread falsities as they relate to the end of life bill.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(g), Rule 2(b), Rule 2(e)**

**The Chair** noted the Complainant's concern the advertisement was using the word suicide in an emotive way and suggesting those with depression were part of the debate about assisted suicide. She noted the Complainant was also concerned consumers would think this was the viewpoint of all doctors.

The Chair said the advertisement before her, which was presenting a point of view on a matter of significant public interest, fell into the category of advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code.

This Rule required the identity and position of the advertiser to be clear; opinion to be distinguished from factual information and factual information must be able to be substantiated. The Advocacy Principles developed by the Complaints Board in previous decisions considered under Rule 11 of the Code of Ethics remain relevant. They state:

1. That section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.

3. That the Codes fetter the rights granted by section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Chair said the Advertiser's name, logo and website shown in the advertisement were sufficient to meet the identity requirements of an advocacy advertisement. The Advertiser's position about the euthanasia debate was also clear.

The Chair said in her view, the advertisement outlined the views of the doctors listed in the advertisement and on the corresponding website, [www.doctorssayno.nz](http://www.doctorssayno.nz). The statements related to the proposed role physicians would play under the End of Life Choice Bill currently before Parliament. The Chair said there was no suggestion in the advertisement that it represented the view of all doctors.

The Chair said the advocacy advertisement had been prepared with a due sense of social responsibility and was not in breach of Principle 1, Principle 2, Rule 1(g) Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling:** Complaint **No Grounds to Proceed**

**APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.