

COMPLAINT NUMBER	19/320
COMPLAINANT	R Omundsen
ADVERTISER	Fluoride Free NZ
ADVERTISEMENT	Fluoride Free NZ Radio
DATE OF MEETING	2 September 2019
OUTCOME	No Grounds to Proceed

Advertisement: The radio advertisement for Fluoride Free NZ opens with “Pregnant women should avoid fluoridated water, advises the Editor of JAMA Paediatrics, the world leading pediatric journal ... 97% of Europe doesn’t fluoridate their water, why do we? Fluoridefree.org.nz”.

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

Complainant, R Omundsen, said: Fouride free nz are spreading false and misleading claims about the effects of fouride in the water system. It has been proven that at the levels of fouride in the water you wpuld need to drink 5000 glasses before itd kill you, and drinking that much water would kill you well before you finish the 5000th glass. They are intentionally misleading the public to push their misinformed agenda. This ad was also on radio hauraki at 826am this morning. Please remove this ad, it is not appropriate for broadcast.

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

The Chair noted the Complainant’s concerns the advertisement was misleading and should be removed.

The Chair confirmed the advertisement was advocacy advertising and noted the requirements of Rule 2(e) of the Advertising Standards Code. This Rule required the identity 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 say:

- 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 referred to a precedent Decision, 18291 Appeal 18018, which was ruled Not Upheld, Appeal Allowed. The complaint concerned a newspaper advertisement for Fluoride Free New Zealand which showed a photo of a child drinking a glass of water with the heading "Fluoride is a Neurotoxin that Reduces Children's IQ". The Appeal Board said the advertisement did not reach the threshold to be misleading as, in the context of an advocacy advertisement, some substantiation had been provided for the claims made. The Appeal Board also said the advertisement did not reach the threshold to unjustifiably play on fear and therefore was not socially irresponsible.

Turning to the complaint before her the Chair said the precedent decision was directly relevant to this complaint. The Advertiser was advocating their views on the fluoridation of water debate. The Chair noted that it is a current matter of public debate with media coverage about the study referred to in the article and the advertisement. The Advertiser, in relying on the article, had provided some substantiation for the claims made, in the context of an advocacy advertisement. Therefore, the advertisement was not misleading.

The Chair ruled the complaint had No Grounds 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.