

<b>COMPLAINT NUMBER</b>	19/304
<b>COMPLAINANT</b>	T Stopford
<b>ADVERTISER</b>	Family First
<b>ADVERTISEMENTS</b>	Family First Out of Home
<b>DATE OF MEETING</b>	9 September 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisements:** There are two billboard advertisements authorized by Family First which are referred to in this complaint. The first says “You can’t Legalise Marijuana and Promote Mental Health... Don’t Legalise: SayNopeToDope.org.nz” The second says “Marijuana has a Kid’s Menu: Don’t Legalise”.

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

**Complainant, T Stopford, said:** Greetings,

I see that you have discharged a complaint against Family First already on the grounds that it was 'socially responsible'. In this complaint I will demonstrate that their ads are in fact the opposite.

Assoc Prof Joe Boden has already taken them to task for their fact free propaganda (<https://www.newshub.co.nz/home/new-zealand/2019/07/family-first-rebuked-for-non-fact-based-activity-over-cannabis-psychosis-claims.html>), but it is worse than that.

Their position that "you cant legalise marijuana and promote mental health" is a flat out falsehood.

The reason for this is simple, complex, and misunderstood; and their propaganda, I submit to you, tremendously socially irresponsible.

Firstly, more than 2% of your body (and all other mammals) is made up of G Protein coupled receptors (<https://www.nature.com/scitable/topicpage/gpcr-14047471/>) their role in our mental and physical health is without parallel, because they are the 'meta regulator' of all other physiological systems (cytokine-neuro-immuno-endocrine etc etc). Their role is to maintain 'normal function', or homeostasis.

These vital GPCRs have three main components.

1. The receptors themselves,
2. the places their ligand messengers are made/recycled, and
3. the messengers themselves.

-Importantly, the messengers themselves are called 'cannabinoids,' because they are analogues of those molecules (first) found within cannabis. (<https://www.phytects.com/wp-content/uploads/2015/02/IntroductionECS.pdf>)

So, our mental health depends on molecules called cannabinoids? Yes.

In fact, one of them, CBD, is as effective an antipsychotic as the industry standard (amisulpride) but without any of its severe side effects.

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5099166/>)

Its true that inappropriate use of delta 9 THC can advance the onset of psychosis in the small % of people who are predisposed towards psychosis <https://psychcentral.com/lib/cannabis-is-linked-to-schizophrenia-in-predisposed-individuals/>, but prophylactically prescribing them CBD could mean they NEVER have a psychotic episode at all. The socially responsible thing to do is educate honestly.

Importantly, pharmaceutical anti psychotics kill 500,000 people a year world wide. NZ mental health system is a shambles, our DHBs are half a billion dollars in the red and bleeding out, and cannabis therapeutics is a potential trillion dollar industry that could reduce our health costs and improve our health outcomes if used intelligently. Given FF raised \$611,000 last year in a competitive charity space, im inclined to wonder if they are acting as a socially irresponsible lobby group, or are simply ignorant and prejudiced fringe dwellers with like minded supporters.

You can see here

<https://www.york.ac.uk/media/economics/documents/hedg/workingpapers/1907.pdf> that we dont even need 'marijuana'; industrial hemp is just as 'medical', because it also contains cannabinoids. But the politics is fraught, and not being made any simpler by the nationwide misinformation coming out of family first.

The Hemp Foundation is not a 'competitor' to FF. We are a non profit, fully unpaid, evidence based education organisation. [www.thehempfoundation.org.nz](http://www.thehempfoundation.org.nz) We normally have three doctors on our exec, but one just had to stand down so that she can serve on the executive of the NZMA (whose policy is yet to evolve fully, but who we are collaborating with now on Randomised Controlled Trials, to create the evidence they require to evolve).

Upholding our complaint and chastising FF would be a public service of no small social value. They are running the international lobbyists playbook of misinformation and fear.

Regarding their other billboard, that there is a 'kids menu' for cannabis, is also, I submit, socially irresponsible.

NZ faces major health crises obesity, diabetes, and age related illnesses. Treasury has been forecasting a debt based future for NZ since 2007 on these concerns, and public education on cannabis could be of vital importance here. FFs fear mongering, when the govt has clearly stated that products aimed at children will be prohibited (and indeed advertising in general will be severely limited) is wildly irresponsible fear mongering in the lead up to a public referendum.

Your rapid upholding of these complaints would be greatly appreciated. Lets throw these money changers out of the temple.

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

**The Chair** noted the Complainant's concerns the advertisements are not socially responsible.

The Chair confirmed the advertisements were 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 said both the advertisements have recently been considered by the ASA. The Chair referred to a precedent decision, 19/157, which concerned the first billboard advertisement: “You can’t legalise marijuana and promote mental health”. This complaint was ruled No Grounds to Proceed.

In that decision the Chair said the billboard promoted the Advertiser’s view on a topic of public interest, the debate on the referendum on the legalisation of cannabis. The statement in the advertisement was clearly the Advertiser’s opinion and it was not likely to mislead consumers. The Chair ruled the advertisement was not in breach of the Advertising Standards Code.

The Chair referred to another precedent decision, 19/056, which concerned the second billboard advertisement: “Marijuana has a Kid’s Menu”. This advertisement was considered by the Complaints Board and ruled Not Upheld. The Complaints Board said the advertisement draws the public’s attention to some of the different types of cannabis products that might be available for sale in New Zealand, if recreational cannabis is made legal. The Complaints Board agreed the advertisement did not contain anything indecent, exploitative or degrading, did not cause fear or distress and, in the context of advocacy advertising, was socially responsible.

Turning to the complaint before her the Chair said the precedent decisions were directly relevant to this complaint. The Advertiser was advocating their views on the referendum about the legalisation of cannabis, in the context of an advocacy advertisement. The identity and opinion of the advertiser is clear in both advertisements and neither advertisement was 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.