

<b>COMPLAINT NUMBER</b>	19/325
<b>COMPLAINANT</b>	N Tonkin
<b>ADVERTISER</b>	Voice for Life
<b>ADVERTISEMENT</b>	Voice for Life, Print
<b>DATE OF MEETING</b>	9 September 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The print advertisement for Voice for Life featured in the Dominion Post said in part: "Do you want to live in a country with liberalised late term abortion? The Government's Abortion Legislation Bill will *liberalise late term abortion right up to birth* and legalise abortion for any reason right up to 20 weeks. It also has no cooling off period to think about the decision, **no safeguards against coercion**, pre-abortion counselling is not a requirement, **no safeguards against gender-selective abortion**, under 16's can access abortion with no safeguards, **it needlessly strips doctors of freedom of conscience rights**, and it turns certain public spaces into restricted speech zones where people can be arrested and charged simply for doing anything that another person considers 'distressing'." The advertisement offers the reader the chance to find out more details at the website [www.VoiceForLife.org.nz](http://www.VoiceForLife.org.nz) and also a contact email address.

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

**Complainant, N Tonkin, said:** This ad is bare faced LIES!

The proposed legislation does NOT "liberalise "late term" abortions"! = LIES

Effectively, nothing in the proposed legislative changes for "late term abortions" apart from removing it from the crimes act. = LIES!

Nothing in the proposed legislation restricts "freedom of conscience" for doctors. There are NO changes, apart from being required to refer women to another doctor if their conscience does not allow them to support abortion. = LIES

I don't have any opposition to people expressing their "opinions". I can't see any logic or legality of advocacy being able to tell LIES; untruths; scaremongering or (again) LIES!

If advocacy organisations are allowed to tell LIES through the press, then the holocaust never happened? Is Elvis alive & well & living in Petone? Are the Australian Police looking for a dingo with a snorkel with Harold Holt going "missing"?

Do your job! Don't let sophistry get in the way!

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

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b): Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**Rule 2(e): Advocacy Advertising:** Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

**The Chair** noted the Complainant's concern the advertisement lied about the Government's proposed abortion legislation.

The Chair said the advertisement before her 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 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 had met the identity requirements for an advocacy advertisement. The print advertisement which appeared in the Dominion Post under an advertisement banner was authorised by Voice For Life and contained a website address, email contact and the call to action to find out more details. Therefore, the Chair said the context, placement and content made the identity of the Advertiser clear.

Having established the advertisement was from Voice For Life, the Chair noted that political commentary within advertising was not only acceptable but encouraged, as it is an essential and desirable part of the functioning of a democratic society.

The Chair also observed that in a free and democratic society, differences of political opinion should be openly debated without undue hindrance or interference from authorities such as the Complaints Board, and in no way should political parties, politicians, lobby groups or advocates be unnecessarily fettered by a technical or unduly strict interpretation of the rules and regulations. Therefore, the Chair considered the rest of the complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

In considering the complaint, the Chair referred to precedent Decision 17/322, which also concerned a Voice For Life advertisement about abortion reform and was ruled no grounds to proceed by the Chair of the Complaints Board.

That decision said in part:

“While she acknowledged the Complainant’s concern the wording in the advertisement was misleading, the Chair said the Complaints Board had consistently ruled that an opinion held by a political party, person or organisation was not misleading just because of a different emphasis on the interpretation of detail, even if it was contrary to that of the Complainant.”

Turning to the complaint before her, the Chair said the Advertiser is presenting its interpretation of the Government’s proposed changes to abortion legislation which it opposes. The Chair said the viewpoint represented in the advocacy environment does not meet the threshold to breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair noted this was a matter of public interest which is currently being widely debated and covered by a range of media platforms.

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.