

<b>COMPLAINT NUMBER</b>	20/248
<b>ADVERTISER</b>	Family First
<b>ADVERTISEMENT</b>	Family First Print
<b>DATE OF MEETING</b>	22 June 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Family First "Say Nope To Dope" print advertisement shows a photo of a lit cannabis cigarette/joint where the smoke has formed the image of a brain. The text accompanying the image says "Legalise dope or promote mental health? You can't have both." Across the bottom of the advertisement is the text "Vote Nope to Dope" and "Authorised by Family First NZ...".

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

**There were two complaints about this advertisement:**

**Complaint 1:** This advertisement is untruthful and misleading. It is clearly possible to both have legalised marijuana and the promotion of mental health, as evidenced by countries such as the Netherlands and Canada. This ad is using a very clear falsehood to dogwhistle opposition to a referendum question.

**Complaint 2:**

NZ Herald Thursday 18 June 2020 Newspaper

Complaint Details:

Family First NZ have a full page advert about the Legalise Cannabis Referendum - the heading of advert "Legalise dope or promote mental health? You can't have both."

This is an outrageous and inaccurate statement to make.

This is both misleading and inaccurate. The advert provides no evidence or supporting data to back the claim.

The statement is inaccurate as mental health is a separate issue to legalising cannabis. Whilst in a small minority of people that smoke or consume cannabis might then go on to experience mental health issues. People taking prescription drugs prescribed by a medical professional can also experience side effects that impact their mental health.

Mental health issues can be genetic, can be brought about by physical and psychological trauma, by bullying persecution, gender identity issues which have nothing whatsoever to do with cannabis. The majority of people that take cannabis show no effects on their mental health.

The new law changes clearly state that those under a certain age will not be allowed to use cannabis, this is generally because it can affect brain development. However, even in scientific circles there is no clear response or link.

Supporting legislation to decriminalise cannabis, does not preclude the support or promotion of better mental health in NZ society.

**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 Complainants' concerns the advertisement was misleading.

The Chair referred to a precedent decision, 19/157, concerning the same advertisement, which was ruled No Grounds to Proceed. The following is an excerpt from that decision:

The Chair observed that in a free and democratic society, differences of opinion about matters of public interest 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 complaint in conjunction with this liberal interpretation under the application of the Advocacy Principles.

The Chair said the billboard complained about, 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 position and it was not likely to mislead consumers. The advertisement was not in breach of the Advertising Standards Code.

The Chair said this precedent decision applied to the complaint before her. The Chair confirmed that the identity and position of the Advertiser was clear.

The Chair said the advertisement was not in breach of Principle 2, Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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 calendar days of receipt of this decision.