

COMPLAINT NUMBER	20/319
ADVERTISER	Fluoride Free NZ
ADVERTISEMENT	Fluoride Free NZ Television
DATE OF MEETING	3 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Fluoride Free NZ television advertisements promote the view that New Zealand water should be fluoride free. The first advertisement states "fluoride is a neurotoxin" and "fluoridated water lowers kid's IQ". The second advertisement states that fluoride added to our water "is a toxic waste" and a "by-product of fertilizer productions". The advertisement invited viewers to "Find out more @ fluoridefree.co.nz".

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

There were three complaints about this advertisement:

Complaint 1: Platform was Giggle TV, see at 11:50am on Thursday the 23rd July. The advertisement stated that FluoRide caused a decreased IQ in newborn babies.

Complaint 2: Dishonest/untruthful claims - Fluoride is a neurotoxin proven to lower your children's IQ

Complaint 3: I take issue with the Fluoride Free NZ advert that is being shown on Giggle TV within a restaurant and at my doctors surgery. I have seen the advert in issue on several occasions, the last being approx 1900hrs on 28 Jul 2020. I have approached Giggle TV who have referred me back to the people who I complaining about.

The advert claims that Fluoride is toxic. Note that Fluoride at the levels for public health use is non-toxic. Everything is toxic, even water and oxygen both of which are essential for life, if enough is given. For facts about it may I refer you to <https://www.health.govt.nz/our-work/preventative-health-wellness/fluoride-and-oralhealth/water-fluoridation> and https://www.who.int/water_sanitation_health/dwq/chemicals/fluoride.pdf

The secondary claim is that the Fluoride used is a waste byproduct of making fertiliser. Fluoride is not a waste byproduct but rather a co-product. This is a major distinction, For reference to this please see section 1.5 of https://www.waternz.org.nz/Folder?Action=View%20File&Folder_id=315&File=140604_nzwwa_f_gpg_revision_final.pdf

Given that there are known dental health benefits and giggle tv is in both doctors and dentists surgeries, this is unhelpful in promoting public health, especially as it is a misrepresentation at best and at worst, lies.

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 advertisements were misleading.

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.

The Chair said the advertisement fitted the definition of an advocacy advertisement as the advertisement contains the Advertiser's logo and website address and makes its position in the fluoride debate clear. Information about the studies that the claims in the advertisement refer to can be found on the Fluoride Free NZ website.

The Chair noted the Advertiser has a contrary view to the Complainants about the fluoridation of water, and under Rule 2(e) has a right to express this view.

The Chair said in the context of an advocacy advertisement, the content did not meet the threshold to be misleading.

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

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 calendar days of receipt of this decision.