



COMPLAINT NUMBER	20/381
ADVERTISER	Votesafe.co.nz
ADVERTISEMENT	Votesafe.co.nz Billboard
DATE OF MEETING	26 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The billboard advertisement for Votesafe.co.nz has the wording "Legal dose – with no required parental knowledge". Below this is written "Is the End of Life Choice Act Safe?" and the promoter statement.

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

There were two complaints about this advertisement:

Complaint 1:

This poster is in direct opposition to the End of Life Choice referendum to be voted on later this year. However, in its opposition, the poster is displaying false information about the referendum, seen here as implying a patient could have the lethal dose in hospital without parental knowledge. While this is technically true, it is misleading, as the referendum details state that "[a patient's] doctor must... ensure the person has the opportunity to [discuss their decision with family]." This advertisement is misleading the public and is delivering false information to impressionable voters as a means of garnering support for their opposition of the referendum. I would appreciate this advertisement being either amended or removed. Thank you!

Complaint 2:

I am writing in regards to the electoral referendum (End of Life Choice Act) advocacy group Votesafe.nz's billboards.

As in the attached image these billboards make a reference to being able to receive euthanasia "with no parental knowledge required".

I argue that this statement is contravenes the second principle of the Advertising Standards Code, specifically rule 2(b), regarding truthful representation. This sign fails to state, or even imply that it is referring to a legal adult being the recipient of euthanasia. With the common knowledge that a legal adult may take any action without parental consultation, logically deductive reasoning would suggest this sign is in fact referring to a legal minor. And indeed, in Votesafe.nz's only reading material they do in fact specify this relates to an adult over the ages of 18.

I refer you to the obligations of rule 2(b), whereby advertisements must not mislead or confuse, including by omission or implication. These billboards break this rules by: - omitting reference to legal adulthood - that omission implying that a minor may apply for and receive euthanasia without parental notice, which is in no way plausible within the Act's.

The purpose of the Advertising standards code is stated as "to ensure that every advertisement is a responsible advertisement.". This is elaborated on at

<https://www.asa.co.nz/codes/codes/advertising-standards-code/> as "social responsibility". It is my belief these advertisements breach social responsibility by being unjustifiably and unreasonably misleading to the public. It is my hope that in the desire of a just and fair referendum the Advertising Standards Authority (ASA) will uphold this complaint with a ruling to have the advertisements removed, or amended in order to not mislead through omission and implication

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

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair confirmed the Advertiser's identity was clear. Votesafe is a public information campaign for the Safer Futures Charitable Trust and the organisation's website address was included on the billboard. The Advertiser's position on the issue was clear. The advertisement draws attention to the organisation's position regarding the upcoming End of Life Choice referendum by giving their interpretation of what the Act will allow.

The Chair said while she acknowledges the Complainants' genuine concerns about this advertisement, it is important that organisations can freely communicate their views so that voters can decide how they want to vote on the End of Life Choice referendum.

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 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.