

COMPLAINT NUMBER	20/202
ADVERTISER	Family First
ADVERTISEMENT	Family First, Unaddressed Mail
DATE OF MEETING	31 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The 20 page booklet advertisement from Family First is called “Value Your Vote” and sets out their position on issues including abortion, euthanasia and cannabis in the 2020 Election. In a section entitled "20 Reasons to vote No to Cannabis in 2020", it sets out its views on why people should vote no to the legalisation of Cannabis in the upcoming referendum. The reasons include: “Cannabis will be more than just smoking a joint”; and “Dope is addictive and harmful – it wrecks lives.

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

Complaint: 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.

This advertisement displays a heavy use of exaggeration of the negative affects of cannabis Stating that WHO describes marijuana "addictive and harmful", however WHO (2020) lists both he downfalls of addiction and drug misuse (which comes with all medications/drugs both prescribed and illicit) and also discussed therapeutic benefits such as "...therapeutic effects of cannabinoids for nausea and vomiting...treatment of asthma and glaucoma, as an antidepressant, appetite stimulant, anticonvulsant and anti-spasmodic..."...research is needed on the basic neuropharmacology of THC and other cannabinoids so that better therapeutic agents can be found." https://www.who.int/substance_abuse/facts/cannabis/en/ Say nope to dope also claims cannabis will be "heavily marketed" and "appealing to children".

However as part of the Cannabis legalisation and control bill "advertising, promoting, and sponsoring cannabis products and cannabis businesses would be banned" and there is a section on Packaging requirements. The bill outlines there will be "Packaging requirements that discourage cannabis consumption, such as plain packaging and health warnings", also stating that "Packaging could not be targeted towards children and young people in any way", and that "Products deemed to appeal to children or young people would not be approved".

[<https://www.referendums.govt.nz/cannabis/summary.html>]

Family first/Say nope to dope’s (SNTD) claim that cannabis and edibles will be heavily marketed in New Zealand is a misrepresentation of the referendum bill. As well as SNTD implying that the marketing of cannabis and associated edibles will be glorified/appealing towards children is inaccurate and misleading to consumers.

Most of their 20 reasons are ambiguous and lack referencing to back up facts/statements made.

Image of individual smoking from a lightbulb - which is not related to consumers decision to say yes or no to the New Zealand cannabis referendum. Instead it’s related to meth use and provides false representation and ambiguity towards SNTD print ad in relation to the

Cannabis legalisation and control bill - providing connotation that saying yes to the referendum is also saying yes to methamphetamine use in New Zealand.

SNTD states that there is a direct associate between marijuana "frequency" and THC "potency" with the "development" of mental health issues.

This involves inaccuracy/ambiguity/exaggeration/unrealistic claim. Yes, there is a correlation identified between individuals with mental health disorders and cannabis use, however this link between that two topics has not been pinpointed; it has not been "direct" nor has it been identified to cause mental health disorders. It also has not been directly linked to the frequency or potency of THC. There are many theories that cannabis is associated around mental health disorders, or increased prevalence in already susceptible consumers. However it could also be hypothesised that individuals with mental health disorders are more likely to use cannabis as a coping mechanism prior to official diagnosis of their mental health disorder. Such as an individual with schizophrenia who has auditory hallucinations, may use cannabis for the therapeutic effects which may help relax or calm the cannabis user experience unpleasant or distressing hallucinations secondary to schizophrenia. Or, an individual with anxiety who uses cannabis to calm/relax their mind. Or, someone with anorexia nervosa (mental health disorder/eating disorder) who may use cannabis to encourage appetite. Seen in McKay, D.; Tennant, C (2000) study "Is the grass greener? The link between cannabis and psychosis" which states there is an "association between cannabis and psychosis, but the nature of the connection remains elusive.

SNTD state there is a direct link between using cannabis and developing a mental health disorder, this is misinformation to consumers that are uneducated on this topic.

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 concerns the advertisement was misleading.

The Chair said the advertisement is an advocacy advertisement because it promotes the views of an advocacy organisation on issues of current debate.

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 and the 20 page booklet set out Family First’s position on a range of issues in some detail. The Complainant specifically raised issues about claims in the advertisement under the heading “20 reasons to vote NO to Cannabis in 2020”.

The Chair considered the breadth of information in the advertisement provided significant context for any consumer who chose to read it. The content on the Legalisation of Cannabis referendum is headed by a clear statement and image to vote “NO”. The reasons set out in the booklet are opinions used to support Family First’s opposition to legalisation of cannabis.

In particular, the Chair reviewed the statement in the advertisement that “Dope is addictive and ruins lives”. A reference to scientific reviews includes a World Health Organisation report from 2016. The Chair said by its nature, advocacy advertising presents the position of the Advertiser, and any references will align with their thinking. There is no requirement under Rule 2(e) of the Advertising Standards Code to present a balanced view.

The Chair noted the Complainant’s concern the statements under reason 3, “Cannabis will be more than just smoking a joint” do not accurately reflect the draft bill’s restrictions on targeting children and young people. The Chair said the statements reflect the Advertiser’s opinion that legalisation of cannabis will result in a range of products being produced and marketed, some with appeal to children. While the draft bill includes marketing restrictions, the bill is not before Parliament and a final legal position on marketing is not known.

The Chair then considered the Complainant’s concern with the image alongside reason 20, showing smoking using a lightbulb. The Chair said the statement by the image refers to other drugs including meth, which provides context for its use.

The Chair said while she acknowledges the Complainant’s genuine concerns about the advertisement, it is important different views on the Legalisation of Cannabis Referendum can be freely communicated. The Chair confirmed the Advertiser’s position against the referendum provides context for consumers when viewing this advertising.

The Chair said the advertisement was not in breach of Principle 2, Rules 2(b) and 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.