

COMPLAINT NUMBER	20/271
ADVERTISER	Vote Safe NZ
ADVERTISEMENTS	Vote Safe, Website and Billboard
DATE OF MEETING	31 August 2020
OUTCOME	Website: Decline to Adjudicate Billboard: No Grounds to Proceed

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

The website, www.votesafe.co.nz homepage has the words “Lethal Dose” on one side of the screen with scrolling statements on the other including “with no parental knowledge required” and with “no mental health support required”. It poses the question “Is the End of Life Choice Act safe?” The website also has links to a quiz and provides a frequently asked questions page.

The Chair ruled the complaints about the billboard advertisement had no grounds to proceed.

The Chair declined to adjudicate the complaint on the website.

Complaint 1: I am writing in regards to a complaint regarding to the spread of misinformation and misleading emotional exploitation appearing on signs in our communities around auckland that aim to misinform voters on the end of life referendum.

I have included a photo example of the signs, which also link to a website which spreads even more false claims. While I completely respect the democratic process, it is not fair to people, the process, or society as a whole that votes can be swayed on untruths. Especially from a website so similar to official means of information.

Complaint 2: This is a billboard on Lambton Quay, Wellington. The message is not false, but very misleading. The end of life act clearly states that to be eligible you need to be 18 or over. There is no other legislation that dictates parental notification on decisions/procedures is required when the person making decision is over 18. This advert is deliberately misleading and based in creating fear. The website it directs people to is also very misleading - but that is a complaint for another day - as it's overwhelmingly incorrect and misleading.

The relevant provisions were Advertising Standards Code - Principle 1 and Rule 1(g) and Principle 2, Rule 2(b), Rule 2(e).

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (g) Fear and distress: Advertisements must not cause fear or distress without justification.

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

Chair declines to adjudicate website advertisement

The Chair referred to the Advertising Standards Authority (ASA) Guide on Election and Referenda Advertising which states the ASA deals with “complaints about paid election advertising in media not covered by the Broadcasting Standards Authority Election Programmes Code ... The ASA will decline to adjudicate on complaints about posts on branded social media pages (referred to as organic posts) or websites from political parties, candidates, and election-related advocacy groups.”

The Chair confirmed the website was for the Safer Futures Charitable Trust, a registered promoter for the 2020 election and referendums. The Chair declined to adjudicate on the content of the Advertiser’s website.

Chair’s decision on billboard advertisement

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 acknowledged the Complainants’ genuine concerns about the billboard advertisement and the statement about parental knowledge.

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. It gives their interpretation of what the End of Life Choice Act will allow if it comes into force following the referendum. The advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said the advocacy advertisement did not meet the threshold to breach Rule 1(g) with regard to causing fear or distress without justification.

The Chair said the End of Life Choice Referendum is a significant social issue and it is important the New Zealand public has context for the differing views on it order to be able to take an active part in the debate. The Chair confirmed the Advertiser's position against the End of Life Choice Act provides context for consumers when viewing this advertising.

The Chair said the advertisement was not in breach of Principle 1 and Rule 1(g) and Principle 2, Rules 2(b) and 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.