

<b>COMPLAINT NUMBER</b>	20/364
<b>ADVERTISER</b>	NZ Transport Agency
<b>ADVERTISEMENT</b>	NZ Transport Agency Television
<b>DATE OF MEETING</b>	7 September 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for the NZ Transport Agency showed a woman displaying a series of cards, designed to warn against the dangers of drug driving. The text on the cards included the following "He'd been out partying on alcohol, meth and weed when he crashed".

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

There were two complaints about this advertisement:

**Complaint 1:** This advert targets "drug driving". The advert features a sad looking young woman who is holding, then slowly releasing to the ground, ( somewhat like the famous Pennebaker film of Bob Dylan in the 1960's) various white cards which tell the story of various individuals who have met their demise whilst apparently "High on Weed" or having "taken pills and alcohol". The content of the cards varies from advert from advert, and includes "weed and prescription pills". This advert campaign has been running for some months, often at prime time during the evening. The first part of my complaint is that the assertion from Waka Kotahi which relates to apparent hypothetical situations, is not backed by scientific facts nor figures. I think that as such, it is highly irresponsible of Waka Kotahi to suggest, without offering proof, that such events have taken place, in the way that they are suggested. In my opinion, it is impossible to see whether the information is offered as fact or fiction. Of course, like any responsible adult, and indeed one who, without the effect of alcohol nor illicit substances of any kind, managed to accidentally kill a loved one in a motor vehicle accident as a youth, I support a responsible campaign which would successfully inform the public of the potential dangers of driving whilst intoxicated - with any substance. However, this campaign has been vague, ambiguous in nature, and without factual substance. For example, I would have preferred to see a breakdown of the exact NZ statistics pertaining to driving offences which occurred fatalities whilst the driver was proven to be intoxicated (and with which substance) in the context of the entire range of such offences. Which leads me to the second part of my complaint. During an election year, which also offers the public an opportunity to vote in a referendum on whether recreational cannabis should be legislated and controlled, Waka Kotahi, could be perceived as showing a negative bias towards the outcome of the referendum, and possibly seeking to influence voters, by promoting the subtle message that should you consume cannabis in any form, then you could well cause a fatality whilst driving. Again, no proof is offered, just conjecture. Whilst the proposed cannabis control legislation will deal with the subject of driving whilst influenced by cannabis, I again think that Waka Kotahi are acting pre emptively and irresponsibly by promoting conjecture rather than fact. Equally, I sincerely doubt that the "facts" would support the conjecture. Finally, I am concerned that only a young woman is shown as a central feature of the advert. This seems to suggest that Waka Kotahi's conjecture only applies to youth. - What of the grief caused to the wider whanau and community by intoxicated driving, and are they now suggesting that only youth drive whilst intoxicated? With the culture of widespread community tolerance (spread across all age

groups) and social support for alcohol that exists in NZ, and the ease of availability of alcohol, I again think that Waka Kotahi are acting without due consideration for the facts, by promoting their conjecture in it's current format. I would prefer to see this advert removed from advertising as I believe that it contains misleading content. and could be seen as morally, politically and emotionally manipulative in nature, Thank You for considering my complaint.

**Complaint 2:** This advert against drug driving exaggerates the dangers of weed, by linking these dangers to those of much more dangerous substances.

My assertion is that this is designed to mislead the public in the lead up to the Cannabis Legalisation and Control Bill referendum.

The advert cites a number of transport accidents/deaths, relating them to drugs used by drivers: - (Meth & weed) - (Alcohol & weed) - (Party pills & weed) - (Prescription drugs & weed)

By linking the Parenthesized drugs with weed and inferring that their (combined) use causes accidents is harmful to the public good and is, to be frank, irresponsible.

This prime time simplification of weed as dangerous will effect the referendum by miseducating the public in a biased fashion, leading to greater "no" votes, and negating the intended purpose of the democratic process.

A statement should be aired in the same time slots to explain the oversimplification of the issue presented, an apology, and an encouragement for those interested to investigate the known effects of THC via official channels available.

**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 contained misleading information about the role cannabis plays in causing road accidents.

The Chair confirmed the NZTA advertisement was an advocacy advertisement intended to raise awareness about the dangers of driving while under the influence of drugs. The Chair noted advocacy advertising is provided for under Rule 2(e) of the Advocacy Standards Code, allowing robust expression of opinion. The Chair said the advertiser, NZTA, is clearly identified in the advertisement.

The Chair referred to a Precedent Decision, 16/067, which noted the Advertiser's substantiation for a similar advertising campaign and said in part:

"...The Complaints Board then turned to the response from the NZTA and noted where it stated: "Driving under the influence of cannabis is a significant road safety

problem in New Zealand, and consequently drug-impaired driving is a high priority in the New Zealand Road Safety Strategy 2010 – 2020. The key objective of the Strategy is to significantly reduce the incidence of drug-impaired driving, with fewer people losing their lives or suffering serious injuries as a result of drugged drivers... Cannabis users don't think they're taking a risk when they get behind the wheel of a vehicle. They argue driving stoned is harmless – they're a bit slow but they believe they can compensate by driving more slowly. Our challenge with this campaign was to flip this belief and get them to see that being stoned and a bit slower on the road is much more dangerous than they realise...”

The Chair said the precedent Decision directly applied to the advertisement and complaint before her, given the advertisement highlights the dangers of driving while under the influence of drugs.

Addressing the Complainants' comments, the Chair noted the Misuse of Drugs Act 1975 currently classifies cannabis as a Class C illegal drug in New Zealand. She noted regardless of any possible changes in the law relating to cannabis, as a result of the referendum, driving under the influence of drugs has been and is likely to continue to be a public health concern and part of road safety advertising.

The Chair said the advertisement was not likely to mislead and had been prepared with the required standard of social responsibility.

The Chair ruled the advertisement did not meet the threshold to breach Principle 2, Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

The Chair said 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.