

COMPLAINT NUMBER	20/361
ADVERTISER	Voice for Life
ADVERTISEMENT	Voice for Life, Unaddressed Mail
DATE OF MEETING	10 September 2020
OUTCOME	Settled – advertisement removed

Advertisement

The Voice for Life unaddressed mail advertisement promotes their position against abortion. Page 1 shows a baby in a foetal position with the words “Did your MP support abortion up to birth?” and “Vote for the Vulnerable” followed by a website address. Page 2 refers to the Abortion Legislation Act and states that “... In New Zealand, an unborn child can now be aborted right up to birth, based on their sex or physical ability, and if that abortion fails and the child is born alive there is no legal requirement to provide them appropriate care.”

The Chair ruled the complaint was Settled.

Complaint: The advertising is misleading and suggests that the new legislation allows abortion on demand up until full term with no restrictions, which is contradictory to sections 10 and 11 of the Abortion Legislation Act 2020. This therefore causes an intentional hyperbolic and sensational interpretation of the act, not meeting guideline 2b of Advertising Standard Code.

Legal Counsel of behalf of the Advertiser, Voice for Life (VFL), said in part: “... “VFL reserves its position regarding the original flyer and does not accept that it was misleading, inaccurate or otherwise in breach of ASA’s Standards Code.

VFL nevertheless has decided to elect to settle the complaint in reliance upon the terms of process as set out (including on page 12) of the Updated ASA Guide by undertaking to withdraw and not broadcast or re-publish Side B of the original flyer, part of which was the subject of the complaint.”

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

ADVERTISING STANDARDS CODE

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 concern the information in the advertisement, about abortion up to full-term with no restrictions, was misleading.

The Chair acknowledged that after receiving the complaint, the Advertiser had withdrawn the advertisement and made an undertaking "...not broadcast or re-publish Side B of the original flyer, part of which was the subject of the complaint".

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in withdrawing the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

Chair's Ruling: Complaint **Settled – advertisement removed**

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.