

<b>COMPLAINT NUMBER</b>	20/404
<b>ADVERTISER</b>	Vote Safe NZ
<b>ADVERTISEMENT</b>	Vote Safe, Out of Home
<b>DATE OF MEETING</b>	14 September 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The billboard advertisement for Votesafe.co.nz has the wording “Lethal dose – with NO mental health support required”. Below this is the question: “Is the End of Life Choice Act Safe?” and a promoter statement.

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

**Complaint:** Advert refers to End Of Life Choice Act, stating "Lethal dose with no mental health support"

but that is a misleading interpretation of the Act.

(<https://www.referendums.govt.nz/endoflifechoice/index.html>)

The Act specifically mentions a psychiatrist needing to assess the person if either doctor is unsure of their ability to make the decision. Also that mental illness or disorder cannot be given as the reason for requesting assisted dying.

**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 acknowledged the Complainant's concern that the billboard advertisement is misleading.

The Chair confirmed the Advertiser's identity was clear. Vote Safe 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. The advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said "Lethal dose – with NO mental health support required" is an opinion statement and reflects the Advertiser's position on what the End of Life Choice Act will allow if it comes into force following the referendum.

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, in 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 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](http://www.asa.co.nz). **NOTE:** Under the fast track process one month prior to the Election, appeals must be made in writing via email or letter within three (3) calendar days of receipt of this decision.