

COMPLAINT NUMBER	20/433
ADVERTISER	Smart Approaches to Marijuana (SAM) NZ Coalition
ADVERTISEMENTS	Say No to Dope, Radio
DATE OF MEETING	16 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: Two radio advertisements from the SAM (Smart Approach to Marijuana) NZ Coalition promote their support of a No vote in the Cannabis Legalisation and Control Referendum and include a promoter's statement.

Advertisement 1: A family is getting ready to take a trip in their car. The mother encourages the kids to hop in the car and says: "we're going as soon as Dad has finished his joint". One child asks: "why doesn't he just smoke it in the car" and the mother replies: "That wouldn't be safe, darling, he needs to concentrate on his driving". An announcer says: "Our families are too precious to be wasted. Don't take the risk of adult cannabis users setting a bad example for our kids. There is only one safe vote for all New Zealand. Vote no to dope in the Cannabis referendum."

Advertisement 2: A girl is preparing her lunchbox and her mother asks: "What's that brownie in your lunchbox?". Her daughter replies: "I got it out of that tin". Her mother says: "You need to check with me now before you have my baking. That's got dope in it for the grown-ups!" ... An announcer says: "Our families are too precious to be wasted. Don't take the risk of adult cannabis users setting a bad example for our kids. There is only one safe vote for all New Zealand. Vote no to dope in the Cannabis referendum."

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

Complaint: Both ads running as part of this campaign (one with dad having to finish his joint before driving and another with mum having baked "adult baking" that her daughter has eaten) feature examples of bad parenting as a way to misinform public. I find them misleading and offensive. I then easily found the ads on their Facebook page to confirm who was funding the ads.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), 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 (c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

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 noted the Complainant view that the advertisements are misleading and offensive as they "feature examples of bad parenting as a way to misinform public".

The Chair said the identity and position of the Advertiser is clear in the advertising from the "Vote No to Dope" message that children should be protected from adult cannabis use setting a bad example and the promoter's statements. The advertisements therefore met the criteria for advocacy advertising.

The Chair said the advocacy advertisements present a specific viewpoint on the legalisation of recreational cannabis. In order to illustrate its stance on the cannabis debate, the Advertiser added cannabis consumption to everyday scenarios of a family going for a drive and a child making their lunch.

The Chair said while she acknowledges the Complainant's genuine concerns about the advertisements, it is important that organisations can freely communicate their views. Voters can then consider a range of perspectives when deciding how they want to vote on the Cannabis Legalisation and Control referendum.

The Chair said in the context of advocacy advertising the advertisements were not misleading or offensive, and did not breach of Principle 1, Principle 2, Rule 1(c) or Rules 2(b) or 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. **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.