

COMPLAINT NUMBER	20/458
ADVERTISER	Voice for Life
ADVERTISEMENT	Voice for Life, Unaddressed Mail
DATE OF MEETING	23 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Voice for Life pamphlet advertisement states: “Vote No to Assisted Suicide”. The front of the pamphlet has an image of two people outdoors, one of whom is in a wheelchair. It includes the words: “# DefendNZ from the End of Life Choice Act. For more information: www.defendnz.co.nz”. The other side of the pamphlet lists eight reasons to vote no to the End of Life Choice Act. The advertisement includes a promoter’s statement.

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

Complaint: This pamphlet is misleading. By having an image of a person in a wheel chair it is implying that a person with disabilities can choose to end their life if the end of life legislation is enacted. This is incorrect.

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 the image of a person in a wheelchair in the pamphlet implies people with disabilities can choose to end their lives if the End of Life Choice Act comes into force.

The Chair confirmed the Advertiser's identity is clear. Voice for Life is a registered promoter for the 2020 End of Life Choice referendum and the organisation's website address is in the pamphlet. 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 complies with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair confirmed the Advertiser's position against the End of Life Choice Act provides context for consumers when viewing this advertisement and the image of two people including one in a wheelchair. Context is also provided by the Advertiser's view on page two of the pamphlet that there is "no reliable safeguard to stop people being pressured into euthanasia or assisted suicide ...".

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 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. **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.