

COMPLAINT NUMBER	20/466
ADVERTISER	NZ Drug Foundation
ADVERTISEMENT	NZ Drug Foundation, Television
DATE OF MEETING	24 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The 60 second television advertisement opens with a woman sitting on a couch saying “At the upcoming election, we have the choice to make cannabis legal, but what we’re really voting for is to do this our way and on our terms”. The advertisement then features comments from several people explaining why they support a Yes vote in the Cannabis Legalisation and Control Referendum. At the end of the advertisement the following text appears on screen: “Vote Yes on our terms – Cannabis Control Referendum – onourterms.org.nz - Authorised by the NZ Drug Foundation, 265 Wakefield St, Wellington” and “NZ Drug Foundation – Te Tuāpapa Tarukino o Aotearoa”. A voiceover also says: “So check them out at onourterms.org.nz”.

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

Complaint 1: While watching the three special from Patrick Gower on weed, I find it frustrating that three decided to only air “vote yes for weed” ads during the show. Where was the “vote not for weed” ads? Very irresponsible not to show or advertise both sides of the argument.

Complaint 2: This advert made a very clear statement to vote yes to legalizing Weed during an impartial documentary that was not taking a position on the topic, encouraging New Zealanders to access and choose. There were no comparable ‘vote no’ adverts displayed during this documentary. I think this is very negligent on the behalf of Channel Three to not display impartial advertising during the show.

Complaint 3: The NZ Drug Foundation should not be advertising to sway public votes to YES in the marijuana referendum particularly during this documentary.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, 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.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not 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 these complaints

The Chair acknowledged the Complainants’ concerns about the placement of an advertisement from the New Zealand Drug Foundation supporting a yes vote in the upcoming Cannabis Legalisation and Control referendum during a television programme called *Patrick Gower: On Weed*.

The Chair confirmed the advertisement is an advocacy advertisement and the identity of the Advertiser, the New Zealand Drug Foundation, was clear along with its position on the cannabis referendum. The Chair noted at the end of the advertisement the following text appears on screen: “Vote Yes on our terms – Cannabis Control Referendum – onourterms.org.nz - Authorised by the NZ Drug Foundation, 265 Wakefield St, Wellington” and “NZ Drug Foundation – Te Tuāpapa Tarukino o Aotearoa”. A voiceover also says: “So check them out at onourterms.org.nz”.

The Chair said the placement of the advertisement during a programme which is described by the broadcaster as an “investigation of the world of medical and recreational marijuana” and the absence of advertisements supporting a no vote was not misleading or in breach of the requirement for a due sense of social responsibility.

The Chair said the Cannabis Legalisation and Control referendum is a significant social issue and it is important the New Zealand public has access to the differing views on it, in order to be able to take an active part in the debate. The Chair confirmed consumers had access to a range of views in different media on the referendum from groups that supported a yes vote and others that support a no vote.

The Chair said the placement of the advertisement was not in breach of Principles 1 or 2 or Rule 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.