

COMPLAINT NUMBER	20/479
ADVERTISER	Vote Safe NZ
ADVERTISEMENTS	Vote Safe, Out of Home and Advertiser Website
DATE OF MEETING	29 September 2020
OUTCOME	Out of Home: No Grounds to Proceed Website: Decline to Adjudicate

Advertisements: Billboard advertisements for Votesafe.co.nz are a standard format with the wording “Lethal dose” on one side of the billboard and on the other side a statement reflecting the Advertiser’s view on aspects of the legislation, examples include “with no physical pain required” and” and “no required assessment for coercion”. The advertisement has the question: “Is the End of Life Choice Act Safe?” a website address and a promoter statement.

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

Complaint: There are tons of billboards around the city within the campaign billboards which is made to look like an unbiased info page ‘votesafenz’ for info about euthanasia. They have used all the colours on the billboards and on their website of the Act party so it looks very much aligned when it is not. It is not an unbiased website at all it is an anti euthanasia campaign but it is very misleading.

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 advertisements are misleading as the use of the website “votesafe.nz” implies an unbiased source of information when the Advertiser is opposed to the End of Life Choice Act. The Complainant also considers the advertisements use similar colours to the ACT Party.

Billboard advertisements

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 and a promoter’s statement are included in the advertisements.

The Chair said in her view, the Advertiser’s position on the issue is clear. The advertisements draw attention to the organisation’s opposition to the End of Life Choice Act. The advertisements complied with the requirements of Rule 2(e) of the Advertising Standards Code. The Chair did not consider the likely consumer takeout of the advertisements is that they provide a neutral and unbiased source of information.

The Chair said the colours used by Vote Safe were not the same as the ACT Party and she did not think consumers would be misled.

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 advertisements were 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 complaint about the billboards to proceed.

Advertiser’s website

The Chair noted the Complainant’s concerns about the content and use of colours on the Advertiser’s website, votesafe.nz.

The Chair declined to adjudicate the website complaint.

Relevant Advertising Standards Authority (ASA) Guidelines

The Chair referred to the [ASA Guide on Election and Referenda Advertising](#) which states the ASA deals with “complaints about paid election advertising in media not covered by the

[Broadcasting Standards Authority Election Programmes Code](#) ... The ASA will decline to adjudicate on complaints about posts on branded social media pages (referred to as organic posts) or websites from political parties, candidates, and election-related advocacy groups.” This includes Facebook, Instagram, Twitter, YouTube, TikTok etc.

Chair’s Ruling

The Chair declined to adjudicate the website complaint.

The Chair noted the advertising is unpaid content on the website for votesafe.nz.

Billboards:

Chair’s Ruling: Complaint **No Grounds to Proceed**

Advertiser Website:

Chair’s Ruling: Complaint **Decline to Adjudicate**

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.