

COMPLAINT NUMBER	20/470
ADVERTISER	Vote Safe NZ
ADVERTISEMENT	Vote Safe, YouTube
DATE OF MEETING	28 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The video advertisement for Vote Safe NZ was a paid advertisement on YouTube. It is narrated by Rachel “a first time voter from Waikato. During the video a banner across the bottom of the screen states: “Lethal Dose – Is the End of Life Choice Act Safe?” My biggest concern for a family like mine if euthanasia was available is that one bad month or time in that person’s life, they could make the decision to take euthanasia ...”. The advertisement includes a number of different statements along side the words “Lethal dose”, including “with no parental knowledge required; with no mental health support required; and with no physical pain required.” Contact numbers for support are listed on-screen and then the advertisement ends with the website address www.votesafe.nz and a promoter’s statement.

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

Complaint: Safer Future Charitable Trust has paid for YouTube ads which mislead the public on the End of Life Act. I've been unable to find the YouTube ad which previewed prior to a video, but I was appalled that it insinuated someone could end their life "after one bad months" which totally misses the point about the requirement of a terminal illness and suffering.

I think Safer Future Charitable Trust is misleading the public on this important vote. They are insinuating that teenagers (only available to adults 18+) can choose to end their life for any reason if they have a bad month.

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 Advertiser “is misleading the public on this important vote. They are insinuating that teenagers (only available to adults 18+) can choose to end their life for any reason if they have a bad month”

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 advertisement. The Advertiser’s position on the issue is 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 the style of the advertisement makes it clear Rachel’s words are her opinion and her concerns reflect the Advertiser’s position on what may happen if the End of Life Choice Act comes into force following the referendum. In the Chair’s view, Rachel was referring to the impact of someone with a terminal illness making a choice for euthanasia if having a “bad month” when there may be better times to experience too.

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. **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.