

COMPLAINT NUMBER	19/385
COMPLAINANT	T Macintyre
ADVERTISER	Right to Life UK
ADVERTISEMENT	Right to Life UK, Facebook, Digital Marketing
DATE OF MEETING	7 October 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Right to Life UK Facebook post of 20 September 2019 said: “NZ could soon join Iceland at the bottom where almost 100% of all babies prenatally diagnosed with Down’s Syndrome are aborted”. Another statement in the post introduced a link to a RIGHTTOLIFE.ORG.NZ article by saying: “NZ PM Jacinda Ardern’s Bill to introduce abortion up to birth for children with Down’s Syndrome – Parents speak out...”

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

Complainant, T Macintyre, said: This advertisement presents a false claim that the Prime Minister of New Zealand is attempting to legalise abortion up to birth for foetuses with Down syndrome. Furthermore, this advertisement is a form of election advertising as it makes reference to the current Prime Minister and the statements in the advertisement are clearly intended to persuade individuals to change their vote, yet no authorised advertiser statement is provided in the text or photograph of the ad nor on the organisations Facebook page.

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.

The Chair noted the Complainant’s concerns the advertisement presents a false claim that the New Zealand Prime Minister is attempting to legalise abortion up to birth for fetuses with Down’s Syndrome.

The Chair confirmed the advertisement for Right to Life UK was an advocacy advertisement provided for under Rule 2(e) of the Advertising Standards Code. Robust expression of opinion is allowed, as long as the advertiser is clearly identified, and the Advertiser's position is clear.

The Chair ruled the Advertiser had met the identity requirements of an advocacy advertisement. The advertisement appears on the Right to Life UK Facebook account and includes the Right to Life UK logo. Therefore, the Chair said the context, placement and content made the identity of the Advertiser and their position clear.

Having established the advertisement was from Right to Life UK, the Chair noted that political advertisements were not only acceptable but encouraged, as they are an essential and desirable part of the functioning of a democratic society.

The Chair also observed that in a free and democratic society, differences of political opinion should be openly debated without undue hindrance or interference from authorities.

The Chair said with regard to the complaint before her, the Advertiser was drawing attention to its views on the current debate about proposed changes to abortion law. The Chair said this type of advocacy advertising is provided for under the Code and does not meet the threshold to be misleading.

The Chair said taking into account the context, medium and likely audience, the advocacy advertisement did not breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair said 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.