

COMPLAINT NUMBER	20/091
ADVERTISER	Living Church of God
ADVERTISEMENT	Tomorrows World Television
DATE OF MEETING	16 March 2020
OUTCOME	No Grounds to Proceed

Advertisement: The twenty-minute television advertisement titled “Four Facts About Marijuana Revealed” is in the style of a news presentation. The presenter introduces four topics in support of the view that recreational cannabis should not be legalized. The topics are:

1. There is an agenda behind medical marijuana
2. Marijuana is linked to mental health problems
3. Cannabis is linked to violence
4. Cannabis is big money

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

Complaint: This episode made completely false claims regarding marijuana. In particular the statement/theme of the show that they will identify 4 facts about marijuana. These were in no way factual and very misleading, particularly the those regarding medical use. This show is clearly an extremely slanted view of a very important upcoming vote/referendum. False information should not be voluntarily propagated by state tv. I am in favour of spirited debate but for a state owned tv channel to spread lies and opinion dresses as fact is unacceptable

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 makes false claims about cannabis.

The Chair confirmed the advertisement before her is an advocacy advertisement and the Advocacy Principles are applicable. These have been developed by the Complaints Board in previous Decisions. These state:

1. That Section 14 of the Bill of Rights Act 1990, in granting the right of freedom of expression, allows advertisers to impart information and opinions but that in exercising that right what was factual information and what was opinion, should be clearly distinguishable.
2. That the right of freedom of expression as stated in Section 14 is not absolute as there could be an infringement of other people's rights. Care should be taken to ensure that this does not occur.
3. That the Codes fetter the rights granted by Section 14 to ensure there is fair play between all parties on controversial issues. Therefore, in advocacy advertising and particularly on political matters the spirit of the Code is more important than technical breaches. People have the right to express their views and this right should not be unduly or unreasonably restricted by Rules.
4. That robust debate in a democratic society is to be encouraged by the media and advertisers and that the Codes should be interpreted liberally to ensure fair play by the contestants.
5. That it is essential in all advocacy advertisements that the identity of the advertiser is clear.

The Chair said the identity of the advertiser was sufficiently clear. The name of the Advertiser was repeated several times throughout the advertisement. The website address, as well as an address and telephone number for purchasing the booklet called "Marijuana – What They Aren't Telling You" were also mentioned.

The Chair said the content in the advertisement represented the views of the Tomorrows World organisation and was permitted under the rule for advocacy advertising. The Chair acknowledged the Complainant's sincere concerns about the advertisement and the views expressed by the Advertiser, however such expression of opinion is allowable under the Code.

The Chair ruled the advertisement had not breached Principle 2, Rule 2(b) or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint 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 calendar days of receipt of this decision.