

<b>COMPLAINT NUMBER</b>	20/293
<b>ADVERTISER</b>	Ministry of Justice
<b>ADVERTISEMENT</b>	Ministry of Justice Television
<b>DATE OF MEETING</b>	20 July 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Ministry of Justice television advertisement promoting the End of Life Choice Referendum opens with the voiceover: "It's assisted dying right?" Viewers are advised to visit the referendum's website if they have any questions. The advertisement is identified as a New Zealand Government advertisement and authorised by the Secretary for Justice.

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

**Complaint:** I would like to complain about a advt. I saw this morning regarding the Referendum

I know that the idea of this advt. was to dispel myths.

But I believe that the first line of this advt. had the exact opposite effect when a female voice says "it's about killing people isnt it."

Many, less educated or vulnerable people would be shocked to hear this and may not even absorb the rest of the advt. To them, all they will hear are those words "its about killing people isnt it"

It almost borders on the subliminal.

The referendum is about allowing people who are in terminal pain to let go. It has never been about killing people and to even put that thought into peoples minds is very wrong.

Whoever wrote or designed this advt. knew exactly what they were doing. I used to work in advertising so I know.

Please change this advt. Immediately. The referendum is not about killing people, never has been and never will be but that is the thought that this ad. Puts it into peoples minds. The thought is so shocking that they may not even hear the rest of it.

Please ensure it is removed. I have human rights and it is my human right to die in a dignified way and I do not want people who have been swayed by this advt. and deny me that right .

It was just after 12 noon today but I was so shocked I cant remember if it was on Channel one or 3. I tuned into the news but as I has missed it, I went over to channel 3 to watch the end of The Chase. Then I went back to the News on the plus One of Channel One. I think it may have been during the News.

But if you find out which agency is responsible for it or contact the Dept. Of Justice you will be able to obtain the transcript as it was their advt. on the Referendum.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(b), 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.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

**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 concern about the use of the phrase "it's about killing people isn't it".

The Chair said the wording used in the voiceover in the advertisement was "It's assisted dying right?" and the word "killing" was not used.

The Chair said the phrase "assisted dying" is used throughout the End of Life Choice Act 2019. The purpose of this Act is to give people who have a terminal illness, and who meet certain criteria, the option of lawfully requesting medical assistance to end their lives.

The Chair said the advertisement was an advocacy advertisement and the identity and position of the advertiser was clear. The Chair said the Advertiser, the New Zealand Government, was encouraging viewers to seek information which answers any questions they may have about the referendum on the End of Life Choice Act 2019. The purpose of the referendum is to find out whether New Zealanders support the End of Life Choice Act 2019 or not.

The Chair said the wording used in the advertisement was appropriate in this context and did not reach the threshold to be regarded as offensive or misleading.

The Chair said the advertisement was socially responsible and not in breach of Principle 1, Rule 1(c), 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.