

<b>COMPLAINT NUMBER</b>	20/310
<b>ADVERTISER</b>	Electoral Commission
<b>ADVERTISEMENT</b>	Electoral Commission, Television
<b>DATE OF MEETING</b>	27 July 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Electoral Commission television advertisement promotes the upcoming referendum where voters will be asked to vote on the Cannabis Legalisation and Control Bill as well as the End of Life Choice Act 2019. The advertisement explains that one of the questions voters will be asked is whether the recreational use of cannabis should become legal. The advertisement ends with "Enrol. Vote. Be Heard. Vote.nz - 080036 76 56 referendums .govt.nz"

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

**Complaint:** The advertisement states that we will be voting on 2 referendum in the upcoming election. I am specifically concerned about the use of the word recreational and cannabis in the same sentence. The use of drugs is destructive to our health. The advertisement makes the visual connection that walking a dog in a park is recreational and associates cannabis use with that type of activity.

The advertisement is therefore misleading and confusing. The use of drugs is not a recreational activity, it is a conscious decision to alter the state of mind in effort to remove ourselves from the reality of the present.

An advertisement of this nature should be specific and should not contain deceptive images and words that could influence anyone in any way.

**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 concern about the use of the word "recreational" in association with cannabis which is misleading and confusing.

The Chair said the advertisement was an example of advocacy advertising. Rule 2(e) of the Advertising Standards Code applies to advocacy advertising. Under Rule 2(e):

- 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 Electoral Commission is responsible for running New Zealand's Parliamentary elections, including running the referendums. Part of their role is to work with communities to help them understand and take part in elections.

The Chair said the identity of the Advertiser was clear as the Electoral Commission's name was present for an appropriate portion of the advertisement and website links are provided for viewers to obtain further information. The advertisement therefore met the criteria for an advocacy advertisement.

The Chair said the advertisement presented information about the referendum topics to be voted on at the 2020 election. The Chair noted the Cannabis Legalisation and Control Bill [Draft for Consultation] includes the following wording:

*"The Bill will include a definition of cannabis that distinguishes the recreational cannabis regime from the medicinal cannabis and hemp schemes."*

The Chair said the word 'recreational' in relation to the proposed Cannabis Legalisation and Control Bill had been used in the advertisement to differentiate it from medicinal cannabis which was already legal in New Zealand.

The Chair said whilst the Complainant may not agree with the phrase used, it is not likely to mislead or deceive consumers.

The Chair said the advertisement was not in breach of Principle 2 or Rules 2 (b) and 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.