

COMPLAINT NUMBER	20/532
ADVERTISER	Euthanasia Free New Zealand
ADVERTISEMENT	Euthanasia Free New Zealand, Radio
DATE OF MEETING	15 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The radio advertisement from Euthanasia Free New Zealand is in the style of a phone call. A female voice: “Mrs White? Hi this is Nurse Pam from your son’s university. Ben’s had terminal cancer. He received euthanasia and we need somebody to collect his...” A voiceover says “Could you take the call? If no, vote no.” The advertisement contains a promoter statement from Euthanasia Free New Zealand,

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

Complaint: It was a sponsored ad against the end of life referendum that depicted the referendum falsely. During the ad they say someone’s son was diagnosed with cancer over the weekend and chose euthanasia, and that the parent would have to pick up his body from the University. None of these are correct for the policies of the end of life referendum

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 genuine concern the advertisement is misleading.

The Chair confirmed the Advertiser's identity was clear. The advertisement states it is authorised by Euthanasia Free New Zealand and the position of the Advertiser supporting a no vote in the End of Life Choice referendum was also clear. The Chair confirmed the advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said the advertisement is the Euthanasia Free New Zealand organisation's view that the End of Life Choice Act will create scenarios where families may only learn about a family member's choice to end their life after the fact.

The Chair carefully reviewed the advertisement and said the script did not state the character Ben had only been diagnosed with terminal cancer over the weekend as stated by the Complainant. The Chair noted the Complainant's concern the advertisement depicted a scenario which falsely represented the End of Life Choice Act. She said the advertisement did portray an extreme imagined scenario of what could happen under the Act. However, the Chair said when viewed through the lens of advocacy advertising, it did not reach the threshold to be misleading.

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 opposing the End of Life Choice Act provides context for consumers when hearing this advertising.

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. **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.