

COMPLAINT NUMBER	20/533
ADVERTISER	Sinead Donnelly
ADVERTISEMENT	Vote No to End of Life Choice Act, Radio
DATE OF MEETING	15 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The radio advertisement presents a “did you know” scenario under the “euthanasia law” and says: “an eligible, terminally ill, 18 year old can choose euthanasia without telling their family”. The call to action is “Don’t risk it. Vote no to the End of Life Choice Act”. The advertisement ends with a promoter’s statement.

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

Complaint 1: They are making it sound like anyone can use euthanasia without checks and balance, unfair and bad. Not truthfully saying how the process works.

Complaint 2: This advertisement was promoted by Sinead Donnelly and in it she repeatedly tells people to vote no on the End of Life [Choice] referendum. In itself I find this concerning, I don't think anyone should be explicitly telling people to vote yes or no in an advertisement.

But what I find more concerning is her statement "Did you know under this bill an 18 year old can end their life without telling their family?" or words to that effect.

I fail to see the relevance at all. In this country, 18 years of age is legally an adult. It should make no difference if it is an 18 year old or an 80 year old. Sinead is clearly attempting to mislead people into assuming her obvious opinion that 18 years of age is not old enough and clearly does not believe an adult of legal age is capable of making their own decisions. I think this kind of advertising is wrong and should not be allowed.

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 concerns in Complaint 1 that the radio advertisement is misleading and does not accurately present the checks and balances under the End of Life Choice Act.

She also acknowledged the concerns in Complaint 2 that the advertisement is telling people how to vote in the referendum and that contrary to the advertiser’s view, an 18 year old, is old enough to make their own decisions about matters such as euthanasia.

The Chair confirmed the Advertiser’s identity is clear. Sinead Donnelly is a registered promoter for the End of Life Choice referendum. The Advertiser’s position on the issue is clear. The advertisement draws attention to Sinead Donnelly’s opposition to the upcoming End of Life Choice referendum. The advertisement complied with the requirements of Rule 2(e) of the Advertising Standards Code.

The Chair said the scenario that “an eligible, terminally ill, 18 year old can choose euthanasia without telling their family” reflects the Advertiser’s position on what the End of Life Choice Act will allow if it comes into force following the referendum. This is permitted under the Advertising Standards Code. The Chair noted the second Complainant’s issue regarding the matter of age, but she said the Advertiser can highlight the proposed Act applies to 18 year olds.

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 position against the End of Life Choice Act provides context for consumers when viewing this advertising.

The Chair said the advertisement was not in breach of Principle 2, Rules 2(b) and 2(e) of the Advertising Standards Code.

The Chair ruled 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 calendar days of receipt of this decision.