



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0448/10
2	Advertiser	Exit International
3	Product	Community Awareness
4	Type of Advertisement / media	Billboard
5	Date of Determination	10/11/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Billboard with the text (the font is white on purple background):

85% of Australians Support Voluntary Euthanasia. Our Government Doesn't! Make them Listen. Exit logo.

Exit website: www.exinternational.net Exit phone no: 1300 10 EXIT

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Publicly claiming that Australians support euthanasia is an attack on the elderly and ill members of our society. I know a number of elderly people who feel that this billboard puts pressure on them to kill themselves so as not to be a burden on others. It is a disgraceful and un-Australian billboard.

The advertisement is unbalanced (biased) in its message in that the polls taken clearly contradict recommendations and views by the Australian Medical Association who are better equipped with the knowledge required in this area to make a sound judgement and who are adamantly against euthanasia. The billboard sends out a message of "hopelessness" to the community. It contradicts the Australian spirit of mateship and the spirit of the battler. It is an insult to the hard working and caring people in the area of palliative care who provide comfort to the terminally ill. It is the kind of propaganda that creates a culture of fear depression and negativity and suicidal tendencies. I request that this billboard and anything

similar in nature be removed from public viewing and that the advertisers be refused the permission to re-erect such messages elsewhere.

I object to the article because it is insidiously promoting assisted suicide.

I was offended because we live in a country where Euthanasia is illegal and by having this billboard it promoting people to break this law and it also acts as a means for people to ring the number if they are 'fed up with life'.

The topic of Euthanasia should not be allowed on billboards as it will inevitably increase the amount of people thinking of ending their life (note it is produced by ""EXIT"" International). It is inappropriate for billboards as it even exposes young adults like myself who may be suffering with depression the idea of committing suicide. (It will reiterate the false notion of being allowed to kill yourself). They may get the idea that if old people can choose to voluntarily end their life because of their immense suffering why can't they when they have intolerable emotional suffering they want to lose.

I do not believe it is the appropriate place to create a debate on this sensitive topic.

In addition to promoting illegal activities this ad is also peddling lies and miss-information.

It subverts our democratic legislative processes and holds life itself and right thinking people in contempt.

The advert offends and threatens the elderly who need and have earned our love and support in their latter years instead of being made to feel that they are an unwanted burden or someone without dignity nor deserving of life.

I also expect that the location would present a dangerous distraction to road users.

The advert should be withdrawn and those promoting illegal activities charged.

I found this add grossly offensive on a number of layers;

1) As a person who works with the elderly I was horrified to see euthanasia being promoted as a valid response to pain.

2) As a student of history I was brutally reminded of the Nazi regime and its use of euthanasia on those it deemed worthless (e.g. the disabled)

3) As a person I was horrified that the value of a human life was being degraded in this way.

I find this billboard to be entirely offensive because it is advertising and promoting activity which is illegal and fatal to anyone who acts on it i.e. SUICIDE!!!

I am of the understanding that it is illegal to advertise illegal activity or any activity which might incite violent activity in the community. If suicide isn't violent kindly please explain this to me?

Euthanasia advocates including this advertising board need to recognise that promoting voluntary euthanasia is to undermine the lives of Australia's most VULNERABLE : the elderly the sick the dying sick babies the depressed mentally ill citizens. The billboard undermines the excellent work in palliative care in Australia. There are NO safeguards for laws enabling people to kill themselves and others as seen by other countries where euthanasia is legal. The subtext of this billboard is it's okay for anyone to kill themselves and that their lives are not valued. What message is this billboard giving to Australia's young people who may be considering suicide? GO FOR IT! If you look closely at the poll they are basing their information on re 85% you will find that it is flawed. Take a look at the questions and when it was delivered to the public. The billboard is misleading the public with unsubstantiated claims and the Government should not permit pro-euthanasia groups to get their way into the public arena. It's a disgrace the issue of euthanasia has not recently had a proper governmental debate. See also <http://www.smh.com.au/opinion/society-and-culture/euthanasia-question-needs-wider-discussion-20101007-169kx.html> Please also visit 'Australians Against Euthanasia' on Facebook.

As a resident of New South Wales I strong request that the billboard in question be removed immediately.

Australians Against Euthanasia now has over 640 members and started late September 2010. The activity being promoted is illegal i.e. euthanasia. It also encourages the taking of life sending the wrong message to many troubled and mentally ill people that this is a valid choice. Much taxpayer funds are spent avoiding this contradictory and illegal message. It also states as fact some statistics that are highly debatable.

While I agree with free speech I don't agree with advertising death in the main streets or anywhere actually.

Voluntary euthanasia is premature death promoted and provided by home devices or by medical doctors should the law change and is unsuitable material for a public space like that. It is frightening to children, the aged, and the disabled. It makes you think will I be safe should I ever become ill?

It is disheartening that a wolf is covered with a sheep's clothing to get society to embrace a culture of death. Regardless of values and beliefs, legalising Euthanasia risks the chance of an innocent person being killed by another human being legally which is not a good thing. Legalising one human being taking the life of another whether voluntary or not is too much of a risk. In Holland it has gone way beyond the 'voluntary safeguards' promised. It is clear it is a way to take care of the aging population and others who may not add worth to the economy such as the ill and disabled who would feel like a burden on their loved ones. I am very uncomfortable with the mentality of euthanasia reaching status of 'well there is no room in the nursing home so let's make some'.

I find the billboard offensive and request that it is taken down. Its claims are misleading and do not help a well reasoned debate on Euthanasia. In addition the topic is one that young children shouldn't be exposed to and they will be given that the billboard is so public.

Please reconsider your decision to allow this sort of advertising to be allowed.

The Synod considers that this advertising campaign is based on misleading polling and that an informed debate about euthanasia is not helped by such marketing methods.

The Synod therefore asks you to consider whether these advertisements should be permitted.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Exit understands that it has been deemed that these complaints "raise issues under Section 2 of the AANA Advertiser Code of Ethics" which "incorporates the AANA Code for Advertising and Marketing Communications to Children (section 2.4) and the AANA Food and Beverages Marketing and Communications Code (section 2.8).

Exit understands Board will also review the advertisement in its entirety against Section 2 of the Advertiser Code of Ethics.

Exit understands that the Code adopted by the AANA as part of advertising and marketing self-regulation is to ensure that advertisements are "legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and fair sense of responsibility to competitors".

*As such, Exit's response is provided within the context of the entirety of Section 2, and with reference to the well-established implied right under the Australian Constitution to political communication (see *Nationwide News Pty Ltd v Wills & Australian Capital Television Pty Ltd v Commonwealth*).*

In each of these cases, the majority of the High Court reasoned that, since the Constitution requires the direct election of members of Parliament, and since Ministers of State are required to be or swiftly become members of that Parliament, representative democracy is constitutionally entrenched.

These cases have therefore established that freedom of public discussion of political and economic matters is essential in allowing Australians to make their political judgments so as to exercise their right to vote effectively. Finally, this implied right extends to all political matters, both Federal and State.

Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes)

2. Section 2

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

This billboard is targeted at all Australian voters. As such no discrimination exists. This section is not relevant to this response.

2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

This billboard is one which aims to encourage Australian voters to lobby their politicians to better reflect the views of the Australian community on voluntary euthanasia.

2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The billboard does not concern sex, sexuality or nudity. This section is not relevant to this response.

2.4 Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing

Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing Communications to Children applies.

Since the legal voting age in Australia is 18 years, this billboard has no relevance to children as they are unable to vote and cannot be considered stakeholders in the democratic processes of Australian government.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

The billboard does not contain strong or obscene language. This section is not relevant to this response.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Despite allegations to the contrary, this billboard repeats a statistic widely supported in the Australian media that the vast majority of Australians support legalising voluntary euthanasia. Furthermore, community support for VE has been reported at above 70% for at least 20 years.

Exit would argue that it is the complaints received rather than the content of this billboard that is contrary to Prevailing Community Standards on health and safety.

Finally, the billboard is an exhortation to voters to vote in such a way that their politicians represent the views of the electorate.

It is not and cannot sensibly be argued to be an incitement to suicide or any other kind of violence, compulsory or voluntary.

It is silly to suggest that a political discussion about voluntary euthanasia would encourage the elderly or the young to suicide.

Rather, this billboard is an example of political communication on an important public policy issue. Australia is a democratic society. Our governments – State and Federal - are elected to represent the views of the electorate. On the issue of VE this is not the case.

The subtext of this billboard – if there were any – is to encourage voters who support the idea of VE to vote with their feet at election time and to use the democratic process to ensure their voices are heard on this important social issue.

Support for a law on VE crosses the political divide. In 1997, both major parties allowed members a conscience vote on the overturning of the Northern Territory's Rights of the Terminally Ill Act. Exit hopes with this billboard that voters engage with their local politicians on an individual basis to ensure their views are represented in Parliaments, Federal and State.

2.7 Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertising or marketing communications to which the Federal Chamber of Automotive Industries Code of Practice applies.

Pre This section is not relevant to this response.

2.8 Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.

This section is not relevant to this response.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that this advertisement promotes assisted suicide, and is misleading and offensive.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement features text only, which reads, “85% of Australians Support Voluntary Euthanasia. Our Government Doesn’t! Make Them Listen.” The Board noted that the truth and accuracy of the quoted statistics is not within section 2 of the Code, and is therefore an issue which the Board cannot consider when making its determination.

The Board noted the advertiser’s response that this advertisement had been created to invite a debate regarding the topic of Euthanasia. The Board noted that the advertisement uses the word ‘euthanasia’ and not ‘suicide’ and that this advertisement was not encouraging or condoning suicide, rather it is encouraging the lobbying of Government on the issue of euthanasia.

The Board determined that the advertisement did not depict “material contrary to Prevailing Community Standards on health and safety” and does not breach section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.