

COMPLAINT NUMBER	20/045
ADVERTISER	Spend My Super
ADVERTISEMENT	Spend My Super, Television
DATE OF MEETING	24 March 2020
OUTCOME	Not Upheld No Further Action Required

Summary of the Complaints Board Decision

The Complaints Board did not uphold the complaints about the Spend My Super television advertisement. The Complaints Board said the advertisement used the metaphor of a factory production line to illustrate a statistic about child poverty. It agreed the imagery was confronting to some consumers but did not meet the threshold to breach the Advertising Standards Code.

Description of Advertisement

The television advertisement for Spend My Super show babies moving along a conveyer belt in a factory. Every fourth baby is pushed off the main line by a mechanical arm with a red sensor light and disappears. The voiceover says “One in four Kiwi children grow up in poverty. They don’t choose what they’re born into. Give some or all of your superannuation to give every child a real chance.”

Summary of the Complaints

Twelve Complainants were concerned the advertisement showed disturbing images and used shock tactics which were offensive and exploitative. Some Complainants were concerned the advertisement should not be targeting superannuants who could be a vulnerable audience.

Issues Raised:

- Social Responsibility
- Decency and Offensiveness
- Exploitation of Children
- Fear and distress

Summary of the Advertiser’s Response

Contagion, the Advertising Agency, replied on behalf of the Advertiser and said the aim of the advertisement was to draw attention to the statistic of one in four Kiwi children being born in poverty. The Agency said the privately funded charity is aimed at those superannuants who are able to donate some of their superannuation. It says that raising awareness of the poverty issue is socially responsible.

It confirmed the babies in the advertisement were present with the consent of their parents and the factory scene was digitally added afterwards. The Advertiser included a video of the making of the advertisement in its response. The Advertiser said there was a level of hyperbole and it was making a point through absurdity and any fear or distress is justified on education grounds. It says the advertisement directs consumer to the website which clearly lays out the details of the charity and is therefore not exploiting anyone. The target audience was 60+ in high socio-economic groups.

Summary of the Media Response

The Commercial Approvals Bureau (CAB) said the advertisement was rated GXC and uses uncontested statistics in a visual metaphor which advocates for the well-being of children. CAB said it worked closely with the Advertiser and the advertisement is only as confronting as the reality faced by many of NZ's most vulnerable young people.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

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.

Rule 1(d) Exploitation of Children and Young People: Advertisements must not portray or represent anyone who is, or appears to be, under 18 years old in any way that is exploitative or degrading or inappropriate for their age.

Rule 1(g) Fear and distress: Advertisements must not cause fear or distress without justification.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement is if superannuants are in a comfortable financial position, there is a charity which can channel donations into charitable organisations to help address child poverty issues. The Board said the advertisement used the metaphor of a factory production line to highlight the statistic that one in four children in New Zealand are born into poverty through no fault of their own.

Does the advertisement contain anything which is likely to cause serious or widespread offence?

In considering the issues raised by several Complainants about the portrayal of children in the advertisement, the Complaints Board said the advertisement was using a factory production line metaphor to provide a visual representation of the statistic that one in four children are born into poverty in New Zealand. The Board said the statistic itself was not in dispute, and although seeing this illustrated by an image of a machine literally picking out every fourth child was confronting, it was not offensive.

In considering whether the targeting of superannuants could cause offence, the Complaints Board said the charity is appealing to a sector of society who may find themselves with the financial capability to support a cause to distribute spare disposable income to child poverty causes.

The Board said it was not a compulsory scheme and as with other charities that advertise for support, the purpose of advertising is to gain exposure for a particular cause which consumers can either choose to engage with or not.

The Board agreed there was nothing in the advertisement which compelled superannuants to donate to the charity if they were not in a position to do so. The Complaints Board said the advertisement was not in breach of Rule 1(c) of the Advertising Standards Code.

Does the advertisement contain anything exploitative or degrading to children?

The Complaints Board agreed the purpose of the advertisement was to promote a charity to help children by bringing New Zealand child poverty statistics to the attention of the public. The factory setting was clearly hyperbolic. The Board agreed the information in the Advertiser's response which showed how the advertisement was made was useful. By showing how the green-screen technology was used to superimpose the factory setting helped demonstrate that no children were exploited or degraded while filming the images. The Complaints Board said the advertisement had not breached Rule 1(d) of the Advertising Standards Code.

Does the advertisement cause fear or distress without justification?

The Complaints Board said the advertisement was using a story-telling technique to emphasise a well-publicised statistic about the level of child poverty in New Zealand. The Board again noted that seeing the statistic in such a visually stark way was confronting for some, however it did not consider the advertisement used fear or distress without justification. The Complaint Board ruled the advertisement had not breached Rule 1(g) of the Advertising Standards Code.

Has the advertisement been prepared and placed with a due sense of social responsibility?

The Complaints Board agreed the advertisement had been prepared with a due sense of responsibility, highlighting the uncomfortable truth about statistics relating to child poverty in New Zealand.

In terms of placement, the Board noted the advertisement had been given a GXC (General Except Children's Programmes) by the Commercial Approvals Bureau. This meant the advertisement may be broadcast at any time except during programmes which are intended specifically for children under the age of 13. The Advertiser indicated in their response it was targeting people in the 60+ age group and those in higher socio-economic groups to gain exposure with those who may be in the financial position to engage with the charity's mission.

The Complaints Board noted the information provided by the Agency with regard to the advertisement placement. In the Board's view, some placement would have resulted in a broader audience than the intended target audience. While the Board agreed the advertisement had been prepared and placed with a due sense of social responsibility, it agreed more care could have been taken with advertising placement.

In summary, the Complaints Board unanimously agreed that taking into account context, medium, audience and product, the advertisement had not reached the threshold to breach Principle 1 or Rules 1(c),1(d) or 1(f) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Not Upheld**.

No further action required.

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.

APPENDICES

1. Complaints
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINTS

Complaint Details:

I found the ad of newborn babies on a conveyor belt (with babies at random getting cast aside and screaming) deeply disturbing.... which was no doubt the goal the advertiser had in mind. My husband and I couldn't believe such footage was allowed on NZ media, especially at prime time. The advertiser could have found countless ways to portray the same message without stooping that low. To begin with we assumed the advertiser must have been an anti-abortion activist, we couldn't believe it when we saw it was Spend My Super, no one should be able to use such shocking imagery

Complaint Details:

This advertisement certainly gains your attention, but they do so by degrading the babies who are literally "used" as actors and that are showing their distress because of this. It features numerous very small babies placed on trays on a conveyor belt, and then a machine roughly moving the babies with horrible sound effects to different positions, and an after shot of a distressed baby on one of the trays. I find the ad offensive, cruel and utterly deplorable. Firstly, when the babies grow older, and someone shows them the ad they were in, I can only imagine the shock they would feel, that they as little, defenseless human beings were allowed to be exploited in that way. It appears on the ad that these babies have been put in an environment that is genuinely degrading and distressing them. How could an ad company or the parents for that matter, agree that these babies be put in this cruel situation to promote a seemingly good cause? I don't know, but I have felt strongly enough to put this complaint forward.

Complaint Details:

There is a ad playing for Spend my Super and it is horrible. It plays in the morning and evening when my son is around (it was played during breakfast on channel one this morning) and it's horrible. I don't like it and he hates it, he's almost in tears every time it comes on. Please look into either moving it to a slot where children aren't around or removing it.

Complaint Details:

The new Spend My Super advertisement took our whole family aback this evening, including a child we were watching with.

There are two components to how the advertisement affected us negatively.

The first was the horrible nature of seeing babies on a production line which was initially just strange and distasteful, but then the force with which 'one in four' were violently hit off the line by heavy machinery was horrific and completely unnecessary. There were so many other ways that an advertiser could have drawn attention to the issue they wanted people to engage with. Seeing that imagery was horrible and disrespectful to all families with children, and those without, especially when as a nation we are trying to reduce family violence, particularly against children. Headlines even over the past few days have been about violence perpetrated against children in this country, so it's even harder to watch advertising that seemed so callous, especially when the point was the opposite, to encourage people to help children.

The second component was simply in targeting superannuants to feel guilty about their superannuation. Many actually can't afford to give it up, sometimes it's their sole income, and

it's in poor taste to target one specific group of New Zealanders. We are far from that age group ourselves, but it still felt very wrong to us.

Complaint Details:

I found this advertisement very upsetting. The conveyor belt of babies and random selection by a big machine pushing a screaming baby out of the line was, in my opinion, gruesome. While I am sure the depiction was meant to encourage donations from super annuitants I felt any donation would be out of guilt and despair rather than generosity. The advertisement was probably meant to shock the viewer but it was in effect very upsetting.

Complaint Details:

I'm sorry I don't know how to attach a file but I just viewed a disturbing advert on TVNZ channel one during the 6pm news programme which showed small babies travelling along a conveyor belt and one in four babies are being shunted into a life of poverty. The advert asks if "skimmysuper" is a possible solution to solving the hardships one in four babies might face!! My super is my entitlement after my working life to support my old age. Those little babies are being portrayed as a commodity on a conveyor belt which I find appalling on one hand because so many couples have trouble conceiving children and also too many families have children who they are unable to support. Whanau support tamariki. I might support SPCA and Salvation Army and certainly not babies screaming on a conveyor belt being shunted into an indescribable future

Complaint Details:

The ad feels very brutal. It was quite offensive given the recent incidences of child harm cases in the media at the moment.

Complaint Details:

This add showed babies on a production line advocating using your super fund to support underprivileged children. The use of babies in this format was disgusting and distasteful and showed the trauma of crying babies being pushed out of the production line. I'm complaining about the treatment of children in such a shocking way.

Complaint Details:

The 'Spend my Super' advertisement depicts a conveyor of babies in white boxes as if they are being 'factory produced' where one random baby out of four is shoved onto a different conveyor to depict that child being randomly selected for poverty.

I believe this advertisement is inappropriate and in breach of the standards. It does not depict children in an appropriate light nor does it depict the issue of poverty factually. It's actually just an appalling way to depict how children come into the world or the problem of poverty in this country.

Complaint Details:

The ad is offensive requiring people to give up a portion or all of their super annuation to provide for children born into poverty. The parents of these children already get benefits to provide for their babies. Where is this money going to?? Why should grandparents give up their hard earned super to provide for children!!! Stop having so many children!!! Grow up and accept responsibility for having sex! Stop wasting your benefit for your children on alcohol, tobacco and/or drugs and gambling. Accept responsibility for having children.

Complaint Details:

The ad has babies on a conveyor belt saying 1 in 4 is born into poverty. It says donate some or all of your superannuation to help this situation.

This is a very poor emotionally drawing ad aimed at vulnerable older adults. It's appalling. Is the expectation that some older adults, who we know don't cope with their minimal

superannuation will donate to this. Is this not against what we teach about vulnerability to older adults.

Complaint Details:

I have just seen Spend My Super's advertisement on TV1, in which babies are zoomed along conveyor belts in a factory and some tossed along channels to goodness knows where, while screaming, arms flailing.

I realise that while 'no babies would have been harmed' in the making of this ad, it looks horrifying. Their intention may be honourable, but the risk of traumatising vulnerable viewers (especially children) by showing this apparent violence is too great. In addition I believe they are playing on people's emotions, instilling guilt if we don't join their scheme (unfortunately a regular ploy, e.g. the SPCA ads, only worse as it depicts human babies in extreme distress). This advertisement is totally unacceptable. I have asked Spend My Super to withdraw it and advised them of my intention to lodge my concern with the NZ Advertising Standards Authority

Appendix 2

RESPONSE FROM AGENCY, CONTAGION, ON BEHALF OF THE ADVERTISER, SPEND MY SUPER

Spend My Super Television Commercial – Complaint 20/045

We wish to defend this complaint:

Introduction.

The intention of Spend My Super is bringing attention to the fact that one in four children in this country are born into poverty. This fact is currently ignored, or not widely known, and it's unacceptable.

We are not selling any product or service, we are simply trying to bring this to the attention of older people, who are able to donate to children's charities. They may not know this statistic or that they can do something about it. It's a problem that can feel too large to solve, but it's actually 100% curable.

Spend My Super has been set up so that those superannuants who are able can donate some of their superannuation to help put an end to child poverty in New Zealand. It's privately funded and is here to make a difference, not a dollar. Every cent people donate goes towards helping those children who really need it. After all, not everyone who's entitled to superannuation needs it to live a good life. But 1 in 4 children do.

Spend My Super is flexible, allowing people to choose how much they donate, how often, and even how that donation is used. No matter how large or small, people can split their contribution amongst charities that resonate with them.

Potent charity partners throughout the country have been carefully selected. They've all been chosen because we think they provide the nurture and support needed to make the most significant impact at the different crucial stages of children's lives. Whether it's frontline agencies or policy advocates, you can back something you truly believe in - from shelters helping mothers and children in times of need, to 21st Century education facilities that prepare kids for a better future.

From the ASA complaint letter it appears that the relevant section(s) in the Advertising Codes appears to be: Advertising Standards Code - Principle 1, Rule 1(c), Rule 1(d), Rule 1(g); we would like to address them individually.

PRINCIPLE 1: SOCIAL RESPONSIBILITY

Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

It is our view that bringing child poverty to the attention of NZ is a socially responsible thing to do for consumers and society.

Principle 1, Rule 1(c) *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.*

Guidelines also state: Advertisers must not use offensive, degrading or provocative copy and/or images to attract attention or promote the sale of products or services.

We have read the complaints and can only see one of the relevant complainants saying we are degrading to the babies. We refute this, as it is bringing poverty to the attention of the public and therefore doing public good and clearly being socially responsible. We also had full consent of the parents, who were volunteers on the shoot. The ‘factory setting’ was added later with the babies being warm and comfortable through the shoot. We have included a ‘making of’ video with this submission and also made this available to the public.

Behind the scenes: <https://vimeo.com/396782995>

Finally, we are a privately funded charity where 100% of the money donated goes to the charities and therefore not promoting the sale of products or services.

Rule 1 (d) Exploitation of Children and Young people

Advertisements must not portray or represent anyone who is, or appears to be, under 18 years old in any way that is exploitative or degrading or inappropriate for their age.

Guidelines:

Advertisements whose principal function is to promote the welfare of, or to prevent harm to, under 18 year olds, may include sexual portrayal or representation, provided it is not excessive. For example, safe sex campaigns.

This ad’s principle function is to promote the welfare of young people via donations and bringing attention to child poverty. Clearly there is hyperbole here and we are making a point via absurdity. We would point out that road safety campaigns employ tactics that are much more graphic and extreme.

Rule 1 (g) Fear and distress

Advertisements must not cause fear or distress without justification.

Guidelines

- If it can be justified, for example on educational grounds, the fear or distress must not be excessive.
- Advertisers must not use a shocking claim or image merely to attract attention.
- Advertisements must not exploit superstitious or vulnerable audiences.

We feel this ad is justified on educational grounds, making the clear point that one-in-

four kids suffer. We did this via a factory metaphor and do not believe this to be excessive, rather explanatory. We are highlighting a truth, that poverty does not discriminate and can affect anyone, in this case those who have absolutely no chance of changing it.

In relation to the point regarding exploiting superstitious or vulnerable audiences, again, we believe it is clear that we are simply a charity asking for people to volunteer donations. The ad directs you to the website, which is clear, detailed and walks people through the exact nature of the charitable donations.

<https://spendmysuper.org.nz/>

Please provide the ASA with a digital media file(s) copy of the advertisement. If the complaint relates to on-screen graphic in a video, provide a broadcast quality version.

The ad: <https://vimeo.com/391883219>

4. Is the advertisement still accessible – where and until when?

The campaign period is from 16 February to 26 April 2020.

5. List all media where the advertisement is placed e.g. TV, Radio, Outdoor, Newspaper, Cinema, Website, Social Media, App, and Email.

The overall campaign is placed within Television, Billboards, Magazines, Digital Video, Digital Display, Social, and Paid Search. However, the ad in questions appears on Television and Facebook Video.

6. For Broadcast advertisements, provide:

- A copy of the script (attached)
- A copy of the media schedule and spot list (Attached)
- CAB key number: SMS 30 007 and SMS 15 001, both rated GXC

7. Who is the target audience for the product / brand / service? And what tools and/or data were used to target this audience?

Wealthy New Zealanders who don't claim their superannuation, or those that do claim it but don't need it.

We want to appeal to them from the two years leading up to retirement, to get them thinking about the difference they can make to future NZ'ers if they donate well. They are likely to be found in Rotary Clubs, Gardening Clubs and Rest Homes.

This generation is the 'lucky' generation, they were born at a time where they had free education, and if they were sensible with their money could afford to buy a house or even two, reaping the significant capital gains. We want to appeal to their sense of collectivism.

Secondary target audience – Adult children of primary target who can influence their parents to donate.

Pen Personas:

Suzie 62, plans to continue working to 70+. Might donate her Super until she finishes working

Umender 65, hasn't yet got organised enough to apply for Super, still working in a well-paid role, net worth say, \$1mil plus a mortgage free home

Peter 77, receives Super and lives from fortnightly Super payment to Super payment. Wants to contribute \$5 per fortnight

Eric 65+ high net worth, receives Super but doesn't need it to live a good life.

Rosie 85, in a rest home and doesn't go out often, previously needed her Super to live a good life but doesn't need it anymore.

Our media plan consists of channels that target All People 60+ in high socio-economic groups. Television is an effective way to reach older audiences and by choosing TVNZ 1 and Sky, we have used programming to gain exposure amongst higher socios. While the TVCAB rating is GXC we have ensured the placements are made in programmes with a heavy skew to adults.

For the video component of the campaign, we have used demographic and persona targeting across Facebook, TradeMe and our own white list of reputable sites.

Appendix 3

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

We have been asked to respond to complaints against the Spend My Super commercial, which quotes data relating to financial deprivation and the longitudinal effects of said deprivation.

CAB approved this commercial on October 15th 2019, with a GXC classification. The GXC classification prevents this ad playing at times intended for child audiences. Most complaints relate to the visual portrayal of the economic and sociological data quoted, a portrayal that shows a large number of young children in a sorting process where 1-in-4 is arbitrarily sorted into the category of child poverty. The 1-in-4 statistic itself is not contested by the complainants.

The advertiser has used a visual metaphor that has a history throughout a range of well-regarded 20th century texts dealing with social issues such as Aldous Huxley's 'A Brave New World'.

CAB consulted closely with the advertiser during pre-production for this commercial, checking scripts and concepts and monitoring the outline of the creative. Our first correspondence began May 9th 2019, with a total of five months between that initial contact and delivery of the completed commercial. A high sense of social responsibility was demonstrated by Spend My Super throughout that period, and their final vision meets that high standard.

Advocacy for the well-being of children is an important exercise, and the advertiser has worked hard to raise public consciousness around the issue of child poverty. The advertisement is only as confronting as the reality faced by many of New Zealand's most vulnerable young people.