

COMPLAINT NUMBER	19/213
COMPLAINANT	G Oldnall
ADVERTISER	SmartVent
ADVERTISEMENT	SmartVent Television
DATE OF MEETING	9 July 2019
OUTCOME	Not Upheld No further action required

Description of Advertisement

The voiceover for the television advertisement for SmartVent home ventilation says: “Up to 70 litres of harmful damp air is produced inside homes every week”. As the voiceover is playing images of a kettle boiling, a pot boiling, a hot shower and a clothes horse covered in damp clothes are shown.

Summary of the Complaint

The Complainant was concerned the advertisement was misleading because it claims that damp air generated in the home through normal use is harmful.

Issue Raised

- Truthful Presentation

Summary of the Advertiser’s Response

The Advertiser said damp air is harmful to the occupants of a home and to the fabric of the home itself. The Advertiser provided a range of documents to support this view.

Summary of the Complaints Board Decision

The Complaints Board ruled a complaint about a television advertisement for SmartVent home ventilation was Not Upheld. The Complaints Board said the Advertiser had provided sufficient evidence to support the claim that harmful damp air is produced in New Zealand homes.

Relevant ASA Codes of Practice

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

Principle 2: 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.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was damp air produced in the home, as part of normal living, can be harmful and can be removed by using SmartVent.

Is the advertisement misleading?

The Complaints Board agreed the advertisement was not misleading and the complaint was Not Upheld.

The Complaints Board said the Advertiser had provided sufficient evidence to support the claim that harmful damp air is produced inside homes every week. The Complaints Board noted the voiceover referred to “harmful, damp air” and the images showed damp air being created by activities in the family home, such as boiling a kettle and drying damp clothes on a drying rack. The Complaints Board noted the evidence provided included a number of publications. The Complaints Board referred specifically to the Cabinet Paper titled “Preferred Options for the Healthy Homes Standards” which said “A cold, damp, mouldy home is associated with ill health, particularly cardiovascular and respiratory illness, and other negative social outcomes”.

The Complaints Board also referred to the “Healthy Homes Standards Factsheet” which describes the new healthy homes standards which were announced in February 2019, because “nearly 600,000 households rent in New Zealand, and New Zealand research tells us that our rental stock is poorer quality than owner occupied homes”. The factsheet also said: “By improving the quality of rental homes, New Zealanders who rent will experience improved health, as well as lower medical costs and lower levels of hospitalisations.”

The Complaints Board said taking into account context, medium, audience and product the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **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 days of receipt of this decision.

APPENDICES

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

COMPLAINT FROM G OLDNALL

I believe this ad is misleading because it claims that damp air generated in the home through normal use is harmful. High humidity can have negative health effects, however the ad claims that the amount of damp air produced in an average house is harmful. This is demonstrably untrue.

Appendix 2

RESPONSE FROM ADVERTISER,

On the 18th June 2019 ASA has asked Simx Ltd to comment on a complaint ASA has received regarding our advertisement for SmartVent ventilation systems. We appreciate this opportunity to present to ASA our views and respond.

Attached to this communication are the following documents that represent studies undertaken by third parties to support our position that damp air is harmful to the occupants of a home and to the fabric of the home itself.

Attachments include:

1. Transcript of the advertisement
2. White Paper produced by the Chair, Cabinet Social Wellbeing Committee for the Office of the Ministry of Housing and Urban Development
3. A study report "Warm, dry, healthy?" produced by BRANZ in 2017
4. A literature review "Indoor air quality in NZ homes and schools" produced by BRANZ in 2017
5. Healthy Homes Standards factsheet produced by the Ministry of Housing and Urban Development

In reference to the reports listed above; supporting statements to our position are to be found on the following pages:

White Paper

Page 2: (11)

"A cold, damp, mouldy home is associated with ill health, particularly cardiovascular and respiratory illnesses, and other negative social outcomes.¹ Poor quality homes raise the likelihood of contracting respiratory infections and increase the severity of existing conditions (e.g. asthma), contributing to higher medical costs, avoidable hospitalisations, and winter deaths."

¹ Telfar Barnard, L.F. (2010) Home truths and cool admissions: New Zealand housing attributes and

excess winter hospitalisation (University of Otago); Hirvonen M.R., Huttunen K., & Roponen M. (2005)

Bacterial strains from mouldy buildings are highly potent inducers of inflammatory and cytotoxic effects.

Indoor Air 15(s9), 65-70; Ormandy D., Ezratty V. (2012) Health and thermal comfort: from WHO

guidance to housing strategies, Energy Policy 49(2012);

BRANZ “Warm, dry, healthy? “

Page 5:

“Damp and mould are key indicators of a poor-quality indoor environment.”

Page 18: 3.1

“Why Ventilation is important

Not only does New Zealand have a relatively wet and humid environment, but daily activities in the home also generate moisture in varying quantities (see Appendix B).”

BRANZ “Indoor air quality in NZ homes and schools”

Page 63:

“The relationship between damp housing and poor health has been explored in many studies and reviews internationally, and the link with poorer respiratory health is well established². Other health effects have also been associated with damp housing. The large analysis and review of European housing and health status (LARES), which assessed the health of 8,519 inhabitants of 3,373 dwellings in eight European cities, found that those living in damp housing had 70% increased risk of reporting poor health and found statistically significant associations between damp housing and a wide range of illness, including asthma, bronchitis, arthritis, anxiety or depression, migraine, cold and diarrhoea³.

Mould growth is dependent on moisture, and moulds proliferate at RH of 70% or higher². In New Zealand, outdoor air frequently reaches this level of humidity⁴, consequently, homes and buildings need to be designed and managed to keep out dampness from outside. Our activities also produce moisture, and we contribute to increasing relative humidity indoors through breathing, cooking and washing. In winter, New Zealand bedrooms often have higher relative humidity than living rooms, and bedrooms may frequently reach relative humidity levels over 90% at night, providing ideal conditions for mould growth⁵.

Indoor dampness can also increase the rate of release of other pollutants from building materials, including formaldehyde and phthalates^{6,7}. Damp air takes more energy to heat, thus increasing the impact of fuel poverty⁸ and contributing to colder indoor conditions.”

Conclusion

The supplied evidence and the many other examples freely available clearly state the health impacts of poor indoor air quality created by normal activity within a home such as cooking and washing. We stand by our assertion that damp air is harmful and as such believe our claim is supported by empirical evidence and widely accepted within the scientific community. Indeed, the recently introduced Healthy Homes Standard (attached) makes it mandatory and legally binding for mechanical ventilation to be provided in all rental properties on the grounds of health. We emphatically refute that our advertisement is a

² Fisk et al., 2007; Bornehag et al., 2005; Institute of Medicine, 2004; WHO, 2009

³ WHO. (2007). Large analysis and review of European housing and health status (LARES). Regional Office for Europe, Denmark: World Health Organization. Retrieved from http://www.euro.who.int/__data/assets/pdf_file/0007/107476/lares_result.pdf?ua=1

⁴ MetService. (n.d.). New Zealand climate. MetService Learning Centre. Retrieved from <http://about.metservice.com/our-company/learning-centre/new-zealand-climate/>

⁵ Boulic, M., Hosie, I. & Phipps, R. (2010). Effects on indoor environment in 30 Auckland homes from the installation of a positive pressure ventilation unit. Paper given at SB10, New Zealand Sustainable Building Conference, 26–28 May 2010, Te Papa, Wellington, New Zealand. Retrieved from <http://www.cmsl.co.nz/assets/sm/5933/61/10.PN031PhippsandHosie.pdf>

⁶ Mendell, M. J. (2007). Indoor residential chemical emissions as risk factors for respiratory and allergic effects in children: A review. *Indoor Air*, 17(4), 259–277.

⁷ Bornehag, C.-G., Lundgren, B., Weschler, C. J., Sigsgaard, T., Hagerhed-Engman, L. & Sundell, J. (2005). Phthalates in indoor dust and their association with building characteristics. *Environmental Health Perspectives*, 113(10), 1399–1404.

⁸ WHO. (2009). Guidelines for indoor air quality: Dampness and mould. Geneva: World Health Organization. Retrieved from <http://www.who.int/indoorair/publications/7989289041683/en/>

breach of the Advertising Standards Code - Principle 2, Rule 2(b) and encourage you to come to the same conclusion.

Appendix 3

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

We have been asked to respond to this complaint under the following codes:
Advertising Standards Code – Principle 2, Rule 2(b).

CAB has approved this Smart Vent commercial with a 'G' general classification

A complainant believes this commercial is misleading, they believe that 70L of damp air produced within a house on a weekly basis has negative no effects/is healthy.

Details about the Smart Vent system and its efficacy are readily available from the advertiser, so CAB will defer to them for substantiating data. At issue is the idea that the production of a large amount of damp air has no ill effects.