

<b>COMPLAINT NUMBER</b>	22/150
<b>ADVERTISER</b>	Variety - The Children's Charity Inc
<b>ADVERTISEMENT</b>	Variety, Digital Marketing, Display
<b>DATE OF MEETING</b>	10 June 2022
<b>OUTCOME</b>	Settled

**Advertisement:** The Variety advertisement on the NZ Herald website shows an image of a child sleeping on the ground. White text states, "Tonight, 1 in 10 Kiwi kids won't have a bed to sleep in". Underneath in red states, "A bed of their own will keep them warm and healthy". The Variety logo is visible in the bottom right corner.

**The Chair ruled the complaint was Settled.**

**Complaint:** Attached is the screen shot of the advertisement that ran as a full banner on the New Zealand Herald Website today. If you go to the website (URL attached) you can get the full statistic ie) that one in 10 children "in our poorest" communities do not have a bed to sleep in.

My complaint is that the banner advertisement when run on other sites (in the absence of the full statistic) is misleading.

Variety are asking members of the public to donate money to address a societal problem. The advertising banner completely overstates the magnitude of that problem.

I recognise that many people are unlikely to donate money to this particular campaign on the basis of the misleading advertisement because if you go to the Variety website and review the entire campaign you will realise the issue is not at first as represented and therefore may choose not to donate for this campaign. However, there will be many people that only look at the banner advertisements and take away from that the state of parenting and child poverty in this country is so bad that one in ten children do not have their own bed. Over time this sort of messaging has the potential to influence charitable spending decisions. There are finite resources available for such spending and this is unfair to other charities that do not use misleading statistics in their banner advertisements.

I seek that the advertiser ensure that the full statistic is make available on all advertising sites so that members of the public can be fully informed about the magnitude of the problem when making charitable spending decisions.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(b), Rule 2(e)**

**The Chair** noted the Complainant was concerned the advertisement was misleading as the statement "one in 10 kiwi kids won't have a bed to sleep in tonight" was not qualified.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Advertising Standards Code had been breached.

As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

**The Advertiser** responded to the complaint and said:

We accept that as a standalone statement “Tonight, 1 in 10 Kiwi kids will not have a bed to sleep in” does not hold true for the total population of children in New Zealand. Based on this alone, we have amended all our advertising creative to read “1 in 10 Kiwi kids in our poorest communities...”.

As we have chosen to amend the advertisement, we understand that the Chair of the Complaints Board will consider whether this action is sufficient to settle the complaint. In which case, we would also like to address the complainant’s issues with the advertisement, with respect to the Advertising Standards Code referred to in the ASA letter:

- *Principle 1 Social Responsibility - Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.* No clause is specified in the letter, so we assume this is in reference to the spirit of the code.
- *Principle 2 Truthful Presentation - Advertisements must be truthful, balanced and not misleading. Rule 2(b), Rule 2(e).*
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The complainant is concerned that we are overstating the problem and doing a disservice to the issue of “child poverty” and this will negatively influence future public donations. We respectfully refute this. The complainant’s conclusion that the statement will negatively impact future donations is a very long bow to draw.

The complainant writes that people who view the banner will conclude “the state of parenting and child poverty in this country is so bad...” is speculation. In addition, “the state of parenting” is a value judgement on the complainant’s part, while child poverty is a fact based on data. One should not conflate the two.

We do in fact hope people think that child poverty in this country is ‘so bad’ because the national data gathered by Statistics New Zealand supports this conclusion:

- “Approx. 322,900 children (28.1%) were living in after-housing-costs income poverty, on the 60% of equivalised household median, moving-line measure.” [Latest child poverty figures • Child Poverty Action Group \(cpag.org.nz\)](#)

In reference to the statement on beds: “Tonight, 1 in 10 Kiwi kids will not have a bed to sleep in”

- As the complainant mentions we do qualify the statement on our landing page and website with “in our poorest communities”. Further to this, the figure 1 in 10 comes from conversations with Nevil Pierse, Associate Professor at the University of Otago & Co-Director of He Kainga Oranga - the Housing and Health Research Programme. The 1 in 10 refers to two studies – one referring to children in households within the Ministry of Health’s Healthy Homes Initiative and the other to a study of children with rheumatic fever.
- Just over 1 in 10 children in Variety’s Kiwi Kid Sponsorship\* (KKS) programme do not sleep in a bed, instead sleeping on a couch or the floor. (*Annual survey of KKS caregivers, April 2022, n=1,191*)

A lack of beds is a serious issue with far-reaching impacts on the health and lives of a significant number of New Zealand children.

- Every year, 28,000 children are hospitalised for diseases linked to poor sleeping environments. They are:
  - 3 x more likely to be hospitalised again
  - 10 x more likely to die
  - 73% had inadequate bedding
  - 20% shared a bed
  - 24% had no bed
  - 18% had no mattress
  - 41% had mouldy bedding  
(*Nevil Pierse, He Kainga Oranga - the Housing and Health Research Programme*)
- 1 in 3 children on Variety's Kiwi Kid Sponsorship (KKS) programme do not have a bed of their own – this includes children sharing a bed with siblings. As mentioned above, 1 in 10 children on the KKS programme do not sleep in a bed at all. (*Annual survey of KKS caregivers, April 2022, n=1,191*)

Along with the amendment to the advertisement, we hope you will consider the above information in reaching your decision. Thank you again for the opportunity to respond.

### **Chair's Ruling**

**The Chair** noted the upon receipt of the complaint, the Advertiser amended the advertisement and changed the wording to "One in 10 kids in our poorest communities won't have a bed to sleep in tonight". The Chair considered this change, along with the information provided by the Advertiser to support the amended statement. Given the Advertiser's co-operative engagement with the process and the self-regulatory action of amending the advertisement to wording it could substantiate, the Chair said it would serve no further purpose to place the matter before the Complaints Board. The Chair confirmed amending the advertisement is equivalent to the action the Board would request if it upheld the complaint.

The Chair ruled that the matter was Settled.

**Chair's Ruling:** Complaint **Settled**

### **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](http://www.asa.co.nz). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.