

<b>COMPLAINT NUMBER</b>	17/422
<b>COMPLAINANT</b>	D Smyth
<b>ADVERTISER</b>	Churches Education Commission
<b>ADVERTISEMENT</b>	Churches Education Commission, Digital Marketing
<b>DATE OF MEETING</b>	24 January 2018
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The Churches Education Commission provided a brochure to parents titled “What is Christian Religious Education?” which included information on their primary school programme. The brochure said, in part:

“Christian Religious Education (CRE) is a fun programme that encourages children to make positive life choices, grow in character and relate well to others. Children learn values that connect with the New Zealand School Curriculum, as set out by the Ministry of Education, combined with stories and values from the Bible that are relevant to children.”

The Complainant was concerned the Advertiser marketed their service as “Christian Religious Education” rather than “Christian Religious Instruction”.

The Advertiser said there was no requirement for them to use ‘instruction’ in their advertising and noted their brochure promoted their services and clearly informed parents about the content in the programme.

The Complaints Board said the brochure clearly provided context for the “Christian Religious Education” programme offered and the reference to ‘education’ was unlikely to mislead people. The Complaints Board said the advertisement was not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

**Preliminary matter:** The Complaints Board noted the Advertiser had been asked to respond to the complaint under Rule 11 of the Code of Ethics which related to advocacy advertising. The Complaints Board considered whether the advertisement before it fell into the category of advocacy advertising and was of the view it was promoting a Christian Education in

Schools service. The Complaints Board noted the brochure included information about the curriculum and was a service offered by the Commission. The Complaints Board held the advertisement was not an advocacy advertisement and therefore, Rule 11 did not apply.

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 2 of the Code of Ethics. Rule 2 required the Complaints Board to consider whether the advertisement contained any statement or visual presentation or created an overall impression which directly or by implication, omission, ambiguity or exaggerated claim was misleading or deceptive, was likely to deceive or mislead the consumer, made false and misleading representation, abused the trust of the consumer or exploited his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

Basic principle 4 required the Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society.

### **The Complaints Board ruled the complaint was Not Upheld.**

#### **The Complaint**

The Complainant was concerned the Advertiser marketed their service as “Christian Religious Education” rather than “Christian Religious Instruction” as, in their view the Education Act 1964 refers to the classes as such and the Human Rights Commission had differentiated between the two. The Complainant said, in part: “All CEC website and print material referring to ‘religious education’, should be replaced with the appropriate wording of ‘religious instruction’.”

#### **Response from Advertiser**

The Advertiser responded to the Complainant’s concerns about the use of the word ‘education’ in their advertising stating, in part: “The brochure simply sets out and explains what a CRE (Christian Religious Education) programme provides, and how it is implemented. By stating it is ‘Christian’ it informs parents on the value or belief basis of the content in the programme... The brochure does not omit core information or provide ambiguity, rather it clearly explains an overview of what a CRE program provides. It advises what the Code of Expectations is for CRE volunteers. There is more information available on our website and provided to the school (full copy of curriculum, lesson plans, content of lessons). The brochure does not attempt to drill down into technical or legal language, as it sets out in simple terms what the program provides.”

In response to the Complainant’s concerns the term ‘Religious Instruction’ is contained within legislation, (Education Act 1964) and therefore needs to be used in related advertising, the Advertiser said, in part: “specific language of using the term ‘Religious Instruction’ is not required when providing a brochure for parents in a school.”

#### **Complaints Board Discussion**

The Complaints Board noted the Complainant’s concerns and the response from the Advertiser. The Complaints Board confirmed the content before it was a marketing brochure and Rule 11 Advocacy did not apply. It’s role was to consider the advertisement from the perspective of its likely audience, and when taken at face value, determine whether there was any breach of the Code of Ethics.

The Complaints Board noted the Complainant’s view that there was a difference between religious education and religious instruction. The Complaints Board said however, the advertisement before it referred to the programme as “Christian Religious Education” and provided adequate context for parents about the nature and syllabus of the service offered. The Complaints Board noted the Complainant’s view that there was a delineation between

the terms in legislation, but it said that did not make the advertisement before it misleading as the brochure provided adequate context for readers. The Complaints Board said the brochure was unlikely to mislead people as to the nature of the "Christian Religious Education" as it was explained in the advertisement before it.

The Complaints Board said the advertisement was not in breach of Rule 2 of the Code of Ethics and had been prepared with a due sense of social responsibility to consumers and society required by Basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

## DESCRIPTION OF ADVERTISEMENT

The Churches Education Commission provided a brochure to parents titled "What is Christian Religious Education?" which provided information on their primary school programme. The brochure said, in part:

"Christian Religious Education (CRE) is a fun programme that encourages children to make positive life choices, grow in character and relate well to others. Children learn values that connect with the New Zealand School Curriculum, as set out by the Ministry of Education, combined with stories and values from the Bible that are relevant to children."

## COMPLAINT FROM D SMYTH

The Churches Education Commission market their religious instruction syllabus to primary schools throughout New Zealand as "Christian Religious Education".

However, sections 78-80 of the Education Act 1964, that allow these classes to take place, explicitly states that they are "religious instruction". See source: <http://www.legislation.govt.nz/act/public/1964/0135/latest/DLM357868.html>

Furthermore, the Human Rights Commission released a document in 2009 that explained the difference between religious education and religious instruction. The CEC are well aware of this document.

See source: <https://www.hrc.co.nz/files/9414/2387/8011/HRC-Religion-in-NZ-Schools-for-web.pdf> (see Question 1)

Because church volunteers are only allowed in to the school to teach Christian bible classes under the above sections of the Education Act 1964, the classes cannot be described as "Religious Education". The classes are not part of the school curriculum and the school is required to close to allow the classes.

All CEC website and print material referring to "religious education", should be replaced with the appropriate wording of "religious instruction".

## CODE OF ETHICS

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 2: Truthful Presentation** - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication,

omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

**Rule 11: Advocacy Advertising** - Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.

## RESPONSE FROM ADVERTISER – CHURCHES EDUCATION COMMISSION

### Code of Ethics – ASA Response to Complaint 17/422

**Basic Principle 4. All advertisements should be prepared with a due sense of social responsibility to consumers or society.**

We are unclear as to how the brochure would breach this rule. The complainant has not stated how our social responsibility has been breached within the brochure or website publication.

#### Rules:

**2. Truthful Presentation** – *Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).*

The brochure simply sets out and explains what a CRE (Christian Religious Education) programme provides, and how it is implemented. By stating it is “Christian” it informs parents on the value or belief basis of the content in the programme. The term Religious Instruction is contained within legislation, (Education Act 1964) however, this term, and the specific language of using the term “Religious Instruction” is not required when providing a brochure for parents in a school. For people who read this brochure, the terms and language used explains what is provided. It is a program that provides an element of education, disseminates information and provides a positive value that reinforces similar values that the school community upholds. I.e.: “Show Respect ““Face your problems” “Do your Best “. The brochure explains the nature of this - it is a voluntary program that some schools have chosen to allow. The brochure is provided to all schools, for distribution to parents, so they are advised that a program is being offered. The brochure does not omit core information or provide ambiguity, rather it clearly explains an overview of what a CRE program provides. It advises what the Code of Expectations is for CRE volunteers. There is more information available on our website and provided to the school ( full copy of curriculum, lesson plans, content of lessons ) The brochure does not attempt to drill down into technical or legal language , as it sets out in simple terms what the program provides.

**11. Advocacy Advertising** – *Expression of opinion in advocacy advertising is an essential and desirable part of the functioning of a democratic society. Therefore such opinions may be robust. However, opinion should be clearly distinguishable from factual information. The identity of an advertiser in matters of public interest or political issue should be clear.*

The brochure does not offer opinion in a form that could be considered offensive or non-inclusive. The quotes used in the brochure, that offer an opinion or view, are genuine statements made by individuals who have either been in a program or have observed how

the programmes is offered. Quotes are clearly distinguished with quotation marks attributed to persons named.