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Dear Ms Smith,

Thank you for your letter dated 3 October which arrived today, containing your response to the concerns I expressed in my letter of 28 September regarding your automatic enrolment campaign.

It maybe helpful if I refer to a specific advertisement, although my complaint is about the campaign in its entirety, to the extent that it uses language which may be misleading. Let us consider the video on YouTube at <http://www.youtube.com/watch?v=9gcd8lj4v3M>.

The video starts with two celebrity bosses followed by two (apparent) workers who each say "I'm in". This is followed by two more bosses (and a man down a hole) who explain that from October 2012 bosses will have to offer their workers a workplace pension. This is followed by more managers and workers saying "I'm in" and then "We're all in".

I'm not surprised that when well-known business people, who are respected for their judgement and acumen, endorse a financial product, it adds impact and standout, creates engagement and that it delivers the message clearly.

I do not doubt that all of the companies featured will be offering automatic enrolment (since they are obliged to do so) or that all of the staff in the adverts work for companies that will be automatically enrolling eligible people.

This does not however alter my central point that, when you have mix of workers and bosses (whom the audience will know to be genuine bosses), and they all say "I'm in" without differentiation, the obvious conclusion to draw is that the bosses will be joining the same automatic enrolment schemes as their workers. This is a powerful endorsement, particularly when it is aimed at the low-paid who will be less able to judge whether a workplace pension is necessarily in their best interest. If it is to be used legitimately, therefore, it needs to be true.

However, as I noted in my earlier letter, Nick Hewer is too old to be automatically enrolled. Since then, I have also learned that he has only one pension plan and that he is not making any payments to it. Karren Brady is reported to have no pension plan at all and that she "prefers to

be her own pension”. (“Auto-enrolment cheerleader admits: 'I don't have a pension myself", Daily Telegraph 1 October 2012 <http://is.gd/v5w49D>) Unless they (and the other bosses) have definite plans to take out an AE pension (or have already done so) the statements in the advertisements are false endorsements.

From your letter, you appear to be saying that the bosses, by saying “I'm in” are referring to the fact that their companies will be automatically enrolling their employees. This is not borne out by consideration of the video mentioned above. In it, one of the bosses says that “Bosses across the UK will have to offer their workers a workplace pension.” In other words, bosses will be compelled to offer schemes. “I'm in” implies that the speaker could have said “I'm out”. That is possible in the context of taking out a pension, as workers can opt out; it is not possible for bosses to opt out from offering a scheme, so “I'm in” cannot logically mean “I will be offering a scheme” and can only be interpreted as “I will take out an AE pension”. The facts that they are using the same words as the workers, and in sequence with them, and that the video ends with the refrain “We're all in” reinforce the erroneous message that these bosses will be taking out AE pensions.

Further to my last letter, we are also concerned that there does not appear to be any consideration that a workplace pension may not be in the best interest of every worker, and that opting out may in fact be the most sensible action. For instance, those nearing retirement, on means-tested benefits and with large credit card debts would probably be better advised to use the employee contribution to pay down their high-interest debt. Such warnings are commonplace in financial advertising so the absence of a warning is likely to be interpreted as meaning that workplace pension plans will always be the right decision for every worker. That too is misleading.

Given that, from The Telegraph article referred to above, neither Nick Hewer nor Karren Brady appear to have any interest in pensions, I wonder whether you can shed any light on the reason why they chose to give their time free of charge?

In your final paragraph, you point out that all Government departments, including the DWP will be taking part in the automatic enrolment programme. I stand corrected on that point, but I do not think that it affects the central issue of my original letter, as amplified above.

In conclusion, I still believe that your campaign is misleading and ask you to amend it.

Yours sincerely

Peter Lapinskas

cc. Advertising Standards Authority (Case ref: A12-210439)