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[Home](#) > [Fundraising](#) » Cadbury Wishes packaging 'not complying with charity law', says lawyer

Cadbury Wishes packaging 'not complying with charity law', says lawyer

By Sophie Hudson, Third Sector Online, 21 February 2012



Karen England

But Karen England of the Make-A-Wish Foundation says the charity is happy with its cause-related marketing deal with the firm

The confectionery company Cadbury is not complying with the law in the way it describes how much money it gives to the Make-A-Wish Foundation on packets of Wishes chocolates, according to a leading charity lawyer.

As part of a cause-related marketing deal with the foundation, packets of Wishes feature the charity's brand.

Text on the packets reads: "10% of the profits made by Cadbury UK and Cadbury Ireland from the sale of this pack will be donated to Make-A-Wish Foundation, making more wishes come true."

Andrew Studd, a partner in the charity team at Russell-Cooke Solicitors, said this statement did not comply with the law because the figure for the profit was not given, so the consumer was unable to work out how much was going to the charity.

He said the Charities Act 1992, which was amended by the Charities Act 2006 when it came into force in 2008, required "commercial participators" to state on the side of a cause-related marketing product a "notifiable amount" that would be given to charity.

In order to comply with this, Studd said, companies should state either a monetary amount from the sale of each product that will go to charity or, if this is not possible, an estimated total amount that would go to charity from the entire arrangement.

"It's got to be an amount that the customer can relate to," he says. "A percentage of an undefined profit is not a notifiable amount."

Karen England, director of fundraising at Make-A-Wish Foundation, said the charity was happy with its arrangement with Cadbury, which was in its third year. In the first year of the partnership, said England, she asked Cadbury to estimate how much it would raise for the charity.

"In the end it was significantly more," she said. "We've found them very understanding of the need for a charity to budget and know its income. They're very respectful."

A spokesman for Cadbury said: "Cadbury is satisfied that the wording used on Wishes packs is satisfactory."

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