

COMPLAINT NUMBER	16/291
COMPLAINANT	B. Gower
ADVERTISER	Cristal Air international Ltd
ADVERTISEMENT	HRV
DATE OF MEETING	11 October 2016
OUTCOME	Not Upheld

SUMMARY

The television advertisement for HRV shows children's toys Humpty Dumpty and a snow man sitting in a child's room. They are talking about the temperature in the home before and after the HRV Retro Fit double glazing was installed. The wording "HRV Affordable Window Solutions" and "HRV Retro Fit double glazing" appear on screen.

The Complaints Board acknowledged the Complainant's concern that the use of the term "double glazing" is arguably not technically correct, but the use of the term did not mean that the advertisement reached the threshold to be misleading to consumers looking to insulate their homes because the visual made it clear what the product being advertised was.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained any statement or visual representation that was likely to mislead or deceive the consumer and whether it had been prepared with a due sense of social responsibility to consumers and society.

The Complaints Board noted the Complainant's concern the advertisement was misleading as the product that HRV are advertising was not double glazing but in fact secondary glazing.

The Advertiser, Cristal Air International Ltd trading as HRV said in their response that "HRV Windows currently markets Insulglaze and window film for UV protection and insulation for existing windows. Insulglaze is manufactured from optical grade acrylic and uPVC extrusion and is attached to the inside of the existing window frame using a magnetic seal to create an air cavity between the existing window pane and the Insulglaze panel. This acts as an insulation barrier against noise and temperature."

The Advertiser also said that “There is no clear standard for the use of the terms secondary glazing and double glazing. They are interchangeable terms which have been in use since prior to the acquisition of the Energy Saving Centre assets by HRV.”

The Complaints Board acknowledged the response from the advertiser and the explanation that there is a difference between standard double glazing which requires old windows to be taken out and replaced and retro fit double glazing which can be applied to existing windows.

The Complaints Board also noted the response from the Commercial Approvals Bureau (CAB) which said that “CAB will defer to the advertiser for a detailed explanation of their service and product, due to the finer points raised by the complaint.

However, CAB would like to put forward the view that the average viewer is unlikely to be misled by small criteria and jargon that really only bears relevance to professional tradespeople.”

The Complaints Board acknowledged the Complainant’s concern that the use of the term “double glazing” is arguably not technically correct, but the use of the term did not mean that the advertisement reached the threshold to be misleading to consumers looking to insulate their homes.

The Complaints Board considered that the advertisement was unlikely to mislead consumers because the visual shows an acrylic sheet being applied to an existing window to create an air cavity which insulates the window, rather than the window being removed and replaced with a window containing double glazed glass.

The Board thought the advertisement was clear and more of a starting point for consumers to investigate which kind of window insulation product would work best for them.

The Complaints Board ruled the complaint was Not Upheld.

Therefore, the Complaints Board said the advertisement was unlikely to mislead consumers into thinking that retro fit double glazing was in actual proper double glazing in which windows of a house would need to be taken out and replaced, and was not in breach of Rule 2 of the Code of Ethics. As such, the Complaints Board said the advertisement had been prepared with a due sense of social responsibility required by Basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The Television advertisement for HRV shows children’s toys Humpty dumpty and a snow man sitting in a child’s room. They are talking about the temperatures, and the benefits of Retro Fit double glazing. The Wording “HRV Affordable Window Solutions and HRV Retro Fit double glazing appear on screen.

COMPLAINT FROM B. GOWER

HRV are advertising ' retro fit double glazing '. True retro fit double glazing involves removing the existing sash windows and either replacing them with a new double glazed unit or rebating the old windows (in the case of hard wood window frames) and replacing them with with double glazed units.

What HRV are doing is NOT DOUBLE GLAZING , but SECONDARY GLAZING, a small point in wording but is misleading and inaccurate as to what you are purchasing compared to the ' real thing '. The insulation gained is arguably less and the install costs significantly less than true double glazing and giving the impression that HRV are offering the same same at a lower cost. Misleading and inaccurate.

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).

RESPONSE FROM ADVERTISER, CRISTAL AIR INTERNATIONAL LTD

This response is on behalf of Cristal Air International trading as HRV.

We have reviewed the complaint received.

HRV Windows currently markets Insulglaze and window film for UV protection and insulation for existing windows. Insulglaze is manufactured from optical grade acrylic and uPVC extrusion and is attached to the inside of the existing window frame using a magnetic seal to create an air cavity between the existing window pane and the Insulglaze panel. This acts as an insulation barrier against noise and temperature. There are a number of other alternatives available for Window insulation which include additional glass panels and in some cases argon gas filled space between the 2 panes; which may include complete removal and replacement of windows or rebating of existing windows.

Insulglaze is featured on the TV ad which this complainant is referring to. The ad has a visual image of a clear sheet being applied over the existing window and is accompanied by an audio saying "the kids room used to be freezing in Winter and in Summer it was boiling, along with a graphic "Retro-fit double glazing"

We believe this is a fair and true representation of the product and reflects general consumer understanding that double glazing provides insulation for windows.

In addition when our Windows' consultants attend a consumer's home to measure and provide a quote for the consumer they have samples of the Insulglaze and fully explain how it is attached to the window and the performance of the product.

There is no clear standard for the use of the terms secondary glazing and double glazing. They are interchangeable terms which have been in use since prior to the acquisition of the Energy Saving Centre assets by HRV. In addition the other major competitor in this space "Magnetite" uses the term Retro-fit double glazing for the same product. "Double glazing" simply means two panes. It does not specify whether or not these are installed separately or together. By adding an acrylic pane to an existing window, double glazing is achieved.

While in the advertisement HRV are not making any specific claims around the level of additional insulation provided by this solution the performance of acrylic solutions such as Insuiglaze is supported by BRANZ.

- An independent study, conducted by BRANZ demonstrates that magnetically attached acrylic glazing provides an R-value improvement of 150% over a single pane glass window.
- "All the secondary glazing systems tested provided a significant increase to the thermal resistance of the window. The low-E aluminium framed secondary glazing provided the largest improvement. The magnetically attached acrylic, the thin plastic film and the aluminium framed clear secondary glazing all produced similar R-values."¹
- Research (largely carried out at BRANZ) found that secondary glazing gave R-values from 0,36 to 0.57 m² K/W. This confirms that secondary glazing can be used as a functional alternative to retrofitted insulating glass units (IGUs) in existing domestic single-glazed window frames. (In fact, the performance exceeded the expected performance of IGUs retrofitted into the existing framing due to the secondary glazing effectively insulating the framing.)²

In addition we believe that "secondary glazing" is a poor descriptive term for this product as it implies that the product is in some way inferior. In fact the specs of Plexiglass GS which is the acrylic used, confirm the following which demonstrates properties superior to glass;³

- Light weight — half the weight of glass
- 11 times more break resistant than glass

We look forward to your positive response to our reply and are open to any feedback you may have

RESPONSE FROM COMMERCIAL APPROVALS BUREAU ON BEHALF OF THE MEDIA

We have been asked to respond to this complaint under the following codes:
Code of Ethics – Basic Principle 4, Rule 2;

CAB approved this HRV commercial on 24/02/16 and it has been on air since that date.

A complainant has entered a detailed complaint about the wording of the advertisement, questioning the technical specificity of the words 'double glazing'. In the complainant's opinion, viewers maybe misled by a variation in precise, technical terms.

CAB will defer to the advertiser for a detailed explanation of their service and product, due to the finer points raised by the complaint.

However, CAB would like to put forward the view that the average viewer is unlikely to be misled by small criteria and jargon that really only bears relevance to professional tradespeople.