

COMPLAINT NUMBER	16/341
COMPLAINANT	M. Hallager
ADVERTISER	Barcodes NZ
ADVERTISEMENT	Barcodes NZ Website
DATE OF MEETING	11 October 2016
OUTCOME	Not Upheld

SUMMARY

The Barcodes NZ website advertisement showed a logo for the International Barcodes Network and stated Barcodes NZ was an “Authorised Member of the International Barcode Network.” The advertisement also had the wording: “our barcodes are being used in over 100 countries. We have over 10 years’ experience in the barcode industry and hence we can give expert advice on the use of barcodes.” The advertisement listed some “licensee network sites” in other countries and presented reasons for choosing Barcodes NZ.

The Complainant was concerned that the iconography and the wording used in the advertisement created the impression that the International Barcodes Network was an independent industry body, membership of which should be construed as an endorsement. The Complainant's searched for websites of other members and was pointed back each time to Barcodes NZ. The Complainant believed this was misleading.

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 had been prepared with a due sense of social responsibility to consumers and society. The Complaints Board was also required to consider whether the advertisement was truthfully presented, that is, whether it 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 or her lack of experience or knowledge. (Obvious, identifiable hyperbole in not considered misleading).

The Complaints Board ruled the complaint was Not Upheld

The Complaints Board first considered the Complainant's concerns. The Complainant said they had contacted Barcodes NZ on September 7, 2016 to enquire about buying barcodes. and was directed back to the website by the person they believed to be the proprietor of Barcodes NZ. The Complainant said the direction back to the website came "with other statements ironically claiming they were more reputable than their competition.

The Complainant continued: "At this point I noticed the logo for 'International Barcodes Network. As I am new to barcodes and had not heard of this before, I went to have a look. The iconography and the wording used is clearly trying to create an impression of an independent industry body whose membership should be construed as an endorsement."

The Complainant said he did an online investigation to find "the owner of the other supposed members and of the International Barcodes Network. In any instances I looked at, the websites pointed back to Barcodes NZ." The Complainant believed this to be misleading.

The Complaints Board then turned to the response from the Advertiser, Barcodes NZ. The Advertiser believed the Complainant's issues could possibly have arisen from a misunderstanding since it seemed more about the International Barcodes Network (IBN) rather than Barcodes NZ. The Advertiser said the IBN website seemed quite clear and gave an accurate description of the network.

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The Advertiser said that the Barcodes NZ website was owned and operated by Barcodes Limited, which was owned by Kings Trust, a Charitable Trust. Barcodes Limited also operated other similar websites in eight other countries and each website made clear that they were operated by Barcodes Limited.

The Advertiser said the IBN was a network of barcode sellers and Barcodes Limited was one of the members, as indicated on the Barcodes NZ website and those of the other eight, overseas, websites. The Advertiser said the IBN website listed nearly 50 country-specific websites selling barcodes, including the nine owned and operated by Barcodes Limited which all contained the information that they were owned and operated by Barcodes Limited, a registered company in New Zealand. The Advertiser continued: "However, Barcodes Limited does not own or operate IBN, nor is it the only barcode reseller in the network."

The Complaints Board agreed that the use of the logo in the advertisement was clearly intended to indicate that Barcodes NZ was one of many members of an independent institute body, the IBN. The Complaints Board believed it was a misunderstanding that led to the Complainant's view that the IBN was an industry regulatory body rather than an independent network. The advertisement did not represent IBN as a regulatory body but as a network of many barcode sellers and with the aim of helping to sell members' products in many countries. This included Barcodes NZ which was advertised in a website owned and operated by Barcodes Limited which also owned and operated eight overseas country-specific barcode-selling websites. On this basis the Complaints Board did not believe that the advertisement was misleading when it included the IBN logo.

Therefore the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The Barcodes NZ website advertisement had the heading "Use our Barcodes with Confidence" and displayed the logo for The International Barcodes Network above wording indicating Barcodes NZ was an "authorised member" of the IBN. The advertisement was partly illustrated with photographs of the exteriors of Placemakers, Farmers, Dick Smith, Whitcoulls and Countdown stores. The advertisement said: "We are a member of the International Barcode

Network and our barcodes are being used in over 100 countries. We have over 10 years' experience in the barcode industry and hence we can give expert advice on the use of barcodes." Others in the IBN were named.

Under a heading "Barcodes used Worldwide" the advertisement said "The barcodes we sell are accepted by more retailers than any other barcode seller. The advertisement went on to describe its attributes in boxes under the heading "How we are different" and included testimonials from satisfied barcode customers.

The IBN described itself in its website advertisement as The International Network of Barcode Suppliers. It said members focussed on supplying barcodes to specific countries and the network had supplied barcodes to customers in more than 100 countries. The advertisement said the IBN was formed in 2013 by International Barcodes Limited to complement the international barcode services already provided by Barcodes Limited (formed in 2007). The advertisement said International Barcodes Limited was a New Zealand company operating internationally

COMPLAINT FROM M. HALLAGER

I contacted this company 7th September 2016 to enquire about buying barcodes. After a brief conversation with David, who I understand to be the proprietor, he referred me back to the website along with other statements ironically claiming they were more reputable than their competition.

At this point I noticed the logo for "International Barcodes Network". As I am new to barcodes and had not heard of this before, I went to have a look. The iconography and the wording used (see text on the right) is clearly trying to create an impression of an independent industry body whose membership should be construed as an endorsement.

However, the website for the "International Barcodes Network" didn't look right so I did a "whois" to discover the owner of the websites of the other supposed members and of the "International Barcodes Network". In any instances I looked at, the websites pointed back to Barcodes NZ.

I believe this is misleading and I ask the ASA to investigate or forward to another relevant authority.

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, BARCODES NZ

Thanks for your email

We were surprised to hear of this complaint – but here is our response

The complaint refers to your Code of Ethics – Basic Principle 2, Rule 4

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).

It is unclear to us exactly what issue/complaint the Complainant is concerned about. Hi complaint is possibly a misunderstanding – it seems more about the International Barcodes Network, rather than Barcodes NZ.

The following should help resolve the issue.

Barcodes NZ

<https://barcodes.co.nz> website is owned & operated by Barcodes Limited (NZ Business Number: 9429035100706), which is owned by Kings Trust (a Charitable Trust).

Barcodes Limited also operates other similar websites overseas – it currently operates 8 other websites each focussed on a specific country. Each of these websites makes it clear that they are operated by Barcodes Limited eg <https://barcode1.co.uk/about/>

International Barcodes Network (IBN)

The International Barcodes Network (IBN) is a network of barcode sellers.

Barcodes Limited is one of the members of the “International Barcodes Network” (IBN), as indicated on <https://barcodes.co.nz> and each of the other 8 overseas websites operated by Barcodes Limited.

The IBN website lists nearly 50 country-specific websites selling barcodes - <http://internationalbarcodes.net/barcode-suppliers/> . Of these, 9 websites (as mentioned above) are owned and operated by Barcodes Limited. Hence, if the complainant had performed Whois look ups for these 9 websites, they would have found the same information as is contained on the websites – that they are owned and operated by Barcodes Limited, a registered company in NZ.

However, Barcodes Limited does not own or operate IBN, nor is it the only barcode reseller in the network.

eg <https://barcodedeutschland.de/> is a member of the IBN and is owned & operated by 54ND3R UH (limited) in Germany (see <https://barcodedeutschland.de/kontakt/>).

Similarly <https://codiceabarra.it> in Italy is also a member of the IBN (see <https://codiceabarra.it/contattaci/>) and is owned & operated by Code of Deborah Evangelist Barra in Italy - they who also sell barcodes directly in France & Belgium via 2 other websites. Similarly other IBM members sell barcodes directly and via websites in other countries in Africa & Europe.

The IBN website

seems quite clear, and gives an accurate description of the network eg <http://internationalbarcodes.net/about-us/>

I hope this clarifies things.

Please let us know if you have any further questions.