

COMPLAINT NUMBER	16/302
COMPLAINANT	J. Larsen
ADVERTISER	2 Cheap Cars
ADVERTISEMENT	2 Cheap Cars Television
DATE OF MEETING	29 November 2016
OUTCOME	Upheld

SUMMARY

A television advertisement for the “2 Cheap Cars” car dealer featured a Mazda Axela 2009 which was for sale for “From \$5,989 + ORC”.¹

The Complainant J Larsen said they found this advertisement misleading. This was because they checked the website for 2 Cheap Cars and could not find any Mazda Axela 2009 cars available for \$5989. The only Mazda Axela 2009 cars they could find available were priced over \$11,000.

The Complaints Board noted that it did not receive a response from the Advertiser about this complaint.

The Complaints Board said in circumstances where the Advertiser does not provide a response to a complaint the Board can only make its decision on the basis of the information provided.

In this case the Complaints Board accepted the view of the Complainant, that there were no Mazda Axela 2009 cars available on the 2 Cheap Cars website for the price specified in the television advertisement, “From \$5,989 + ORC”.

The Complaints Board agreed the advertisement was misleading because the price advertised in the television advertisement was not available on the website.

The Complaints Board ruled to Uphold the complaint.

[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 for Ethics.

¹ ORC: abbreviation for “off-road costs”

This required the Complaints Board to consider whether or not the advertisement contained anything which, either directly or by implication, was likely to deceive or mislead the consumer and if it had been prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board ruled the complaint was Upheld.

The Complaints Board noted the Secretariat attempted to contact the Advertiser for a response to the complaint however no response was received from the Advertiser. The Complaints Board expressed concern that the Advertiser had not provided a reply and was not engaging with the principles of self-regulation.

Was it misleading to say “Mazda Axela from \$5989 +ORC”?

The Complaints Board discussed the advertised price for the Mazda Axela 2009 which was on the television advertisement and compared it to the information provided on the website.

One of the members of the Complaints Board said that on the 2 Cheap Cars website, when they had looked at it recently, there was an advertisement which stated “Mazda Axela: Old Shape From \$5979 + ORC, New Shape From \$8979 + ORC”.

It was not clear to the Complaints Board whether this was the original wording on the website at the time the complaint was made or whether it had been changed since the Advertiser was notified of this complaint.

The Complaints Board agreed that in these circumstances, where no response has been received from the Advertiser, the Board can only make a decision on the basis of the information provided.

The Complaints Board therefore agreed that if there were no Mazda Axela 2009s for sale for the price of “From \$5989 + ORC” then the advertisement was misleading.

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

Accordingly, the Complaints Board ruled to Uphold the complaint.

Decision: Complaint Upheld

DESCRIPTION OF ADVERTISEMENT

The “2 Cheap Cars” television advertisement featured a presenter at a car yard standing in front of a car. She asked the woman standing next to her “How much do you think the Mazda Axela costs?” The woman replied “8,000?”

The presenter then removed a large piece of paper from the windscreen of the car to reveal the following wording on the windscreen: “2 Cheap Cars Mazda Axela: From \$5989 + ORC”

The presenter then said “Go to 2Cheapcars.co.nz to find out more”

COMPLAINT FROM J. LARSEN

The company advertised a Mazda Axela model year 2009 plus based on the shape and headlights which are clearly visible in the advertisement for 5989 and directed people to their website. They had no Mazda Axela's available for 5989 on their website at the time and the price for a 2009 plus year was over 11,000 at the time more than double the price shown in the advertisement. I believe this is misleading.

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, 2 CHEAP CARS

Despite many attempts to contact the Advertiser, No Response has been received.

RESPONSE FROM COMMERCIAL APPROVALS BUREAU OF 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 2 Cheap Cars commercial on 02/08/16 with a 'G' general classification.

A complainant has questioned the presentation of prices for a specific car make and model – the Mazda Axela. In essence the complaint says that the model pictured within the TV commercial does not accurately represent the range available on the advertiser's website.

CAB notes that the 2 Cheap website does offer the advertised Axela range with prices beginning at \$5989, but will have to defer to the advertiser's response for the specific details of the Axela pictured on the TV commercial.