

COMPLAINT NUMBER	17/055
COMPLAINANT	J Williams
ADVERTISER	Early Settler
ADVERTISEMENT	Early Settler, Television
DATE OF MEETING	28 February 2017
OUTCOME	Not Upheld

SUMMARY

The television advertisement for a sale at Early Settler opened with the voiceover “It’s Early Settler’s hot summer sale with up to 50% off hot summer ranges.” An image of a double bed was displayed with the text “Now \$549 - 50% off”.

The Complainant said they saw a television advertisement for a bed on sale at Early Settler. The bed was discounted by 50% with a price of \$539 or \$579. The Complainant said they believe the bed was falsely advertised because when they called the store the price quoted for the bed was \$999.

The Advertiser said the bed in question was on sale for \$549 but the Sales Associate that spoke to the Complainant gave the incorrect price over the phone.

The Advertiser provided information verifying that their website and point of sale signage both had the correct discounted price.

The Complaints Board ruled the advertisement was not misleading. The Complaints Board accepted the Advertiser’s explanation that the bed was advertised at the correct price but the customer had received incorrect information about this from a salesperson for the company.

The Complaints Board ruled the complaint was Not Upheld under Basic Principle 4 and Rule 2 of the Code of Ethics.

[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 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 Not Upheld.

The Complaint

The Complainant said they saw a television advertisement for a bed on sale at Early Settler. The bed was discounted by 50% with a price of \$539 or \$579. The Complainant said they believe the bed was falsely advertised because when they called the store the price quoted for the bed was \$999.

The Advertiser's Response

The Advertiser said the bed in question was on sale for \$549 but the Sales Associate that spoke to the Complainant gave the incorrect price over the phone.

The Advertiser provided information verifying that their website and point of sale signage both had the correct discounted price.

The Complaints Board Discussion

Having considered all the information provided, the Complaints Board turned to consider whether the advertisement had breached Basic Principle 4 or Rule 2 of the Code of Ethics.

The Complaints Board noted the response from the Advertiser and the Media.

Was the advertisement misleading?

The Complaints Board ruled the advertisement was not misleading. The Complaints Board accepted the Advertiser's explanation that the bed was advertised at the correct price but the customer had received incorrect information about this from a salesperson for the company.

Therefore, the Complaints Board was unanimous in its view the advertisement was not likely to mislead or deceive consumers and had been prepared with the requisite sense of social responsibility. The Complaints Board ruled the advertisement was not in breach of Basic Principle 4 and Rule 2 of the Code of Ethics.

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

Decision: Complaint **Not Upheld**

DESCRIPTION OF ADVERTISEMENT

The television advertisement for a sale at Early Settler opened with the voiceover "It's Early Settler's hot summer sale with up to 50% off hot summer ranges." An image of a double bed was displayed with the text "Now \$549 - 50% off".

COMPLAINT FROM J WILLIAMS

Current early settler as that ran last night (19/1/2017) at approx 9pm. Ther sale shows the picture of a bed with a price on the screen and a discount % of 50. The price was \$539 or \$579. Yet when I called the store that exact bed was \$999. How can they show a price with an image, and that not be accurate. It's false.

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: EARLY SETTLER

The product in question was on promotion at the time the complainant called the store and enquired about the price. It was on sale for \$549 which was 50%+ off the RRP price of \$1049. Unfortunately, the Sales Associate that answered the telephone call gave an incorrect price over the phone. They recalled the RRP of the product 2 years ago when it was previously stocked in store. Our website and point of sale signage had the correct price of \$549. It wasn't included in the catalogue for this promotion as stock levels were low at the time of printing. The TVC was done pre-Christmas which was why it remained in the TV ad. I have attached the previous promotion catalogue (Biggest Sale of the Year) which shows the correct promotional price. I have also attached the PDF of pricing tickets that were used in stores for the Hot Summer Sale Promotion. Page 75 has the price ticket for the Chelsea Queen Bed.

RESPONSE FROM MEDIA: COMMERCIAL APPROVALS BUREAU

The commercial promotes the January sale at Early Settler furniture stores.

A complainant writes that a price stated in the advertisement was not available in-store.

Since this is essentially a service issue, CAB will defer to the advertiser for response.