

<b>COMPLAINT NUMBER</b>	17/163
<b>COMPLAINANT</b>	S Wood
<b>ADVERTISER</b>	Bargain Box
<b>ADVERTISEMENT</b>	Bargain Box Digital Marketing
<b>DATE OF MEETING</b>	29 May 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Bargain Box website, [www.bargainbox.co.nz](http://www.bargainbox.co.nz), explains the Bargain Box service, including options and pricing.

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, S Wood, said:** I have been a customer for Bargain Box for about 10 months, although I have now cancelled it for the moment. I have got an issue about their advertised pricing. I have always ordered the box that supplies 5 meals for 4 people per week at advertised price of \$6.25/ plate but there is no such price available as each box occurs addition \$10 delivery charge. The delivery charge is compulsory and has always been, so it should be taken into consideration with the advertised price per plate. So in fact the price is  $(124.99 + 10) / 4/5 = \$ 6.75/ \text{plate}$ . It is same with all their other prices as well. So I think their advertising is misleading and I pointed it out for them, which they acknowledged but ignored. See my correspondence with them last year. (So last year they advertised lower price but the issue was the same and the price difference was the same.)

**The relevant provisions were Code for Advertising Food - Principle 1, Principle 2.**

**The Chair** noted the Complainant's concern that the price per plate quoted on the website was misleading, as it did not include the delivery cost.

The Chair acknowledged that the price per plate figure quoted was calculated on the food cost, not the food and delivery costs. However she was of the view that was mitigated by the fact that most consumers would be aware that delivery costs are often additional and the \$10 delivery charge was clearly displayed on the website.

The Advertiser had explained the pricing was structured this way to take into account the trialling of alternative delivery options, which would alter the overall price of the service.

The Chair said the advertisement did not reach the threshold to be likely to mislead consumers and was not in breach of the Code for Advertising Food. The Chair said the advertisement had been prepared with a due sense of social responsibility to consumers.

Accordingly the Chair ruled there were no grounds for the complaint to proceed.

**Chairman's Ruling:** Complaint **No Grounds to Proceed**