

COMPLAINT NUMBER	17/180
COMPLAINANT	V Farman
ADVERTISER	Harvey Norman NZ
ADVERTISEMENT	Harvey Norman NZ, Out of Home
DATE OF MEETING	12 June 2017
OUTCOME	No Grounds to Proceed

Advertisement: Harvey Norman instore advertising included an offer for "Marc Newson Designer Kettles and Toasters (all colours \$58 below cost)".

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

Complainant, V Farman, said: On the 25 the May . I went to the above to potentially purchase a new economically priced kettle. Outside on store wall (blackboard) it stated "Sunbeam" toasters from \$28.00" Inside store - see picture. This would have made the kettle \$29.00 and toaster \$ 29.00 the same price - so I thought that would be a good deal. Was advised that the advertised price was for EACH when I wanted to purchase I advised the sales person that the sign was misleading. Sales assistant took it down and removed it to the front desk.. I advised that the sign should stipulate that the price was for EACH and should be advertised as such. I left the shop. Some minutes later I re-entered the shop to see that the sign had been replaced exactly back exactly how it was on the instruction of the store senior/manager Took photo I feel strongly that customers are lured to purchase goods under false pretences.

The relevant provisions were Code of Ethics - Basic Principle 4 and Rule 2.

The Chair noted the Complainant's concern that advertising outside the store created confusion with an instore promotion, with the likely takeout being that a customer could purchase a toaster and kettle for \$58.

The Chair reviewed the image of the in-store sign and products received from the Complainant. The Chair noted the Complainant considered the in-store offer on Marc Newson Design Kettles and Toasters was misleading, based on the promotion for Sunbeam toasters outside the store from \$28. The Chair noted that Marc Newson was a Sunbeam brand but in her view, there was nothing to link the two offers.

The Chair said the wording on the sign in-store was "Marc Newson Designer Toaster and Kettles (all colours \$58) Below Cost!!!" In the Chair's view, most people were likely to interpret this to mean the kettles and toasters were \$58 each.

As such, the Chair said the advertisement did not reach the threshold to breach Rule 2 of the Code of Ethics, had been prepared with a due sense of social responsibility to consumers and society and was not in breach of Basic Principle 4 of the Code of Ethics.

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

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