

<b>COMPLAINT NUMBER</b>	17/184
<b>COMPLAINANT</b>	W Sommerville
<b>ADVERTISER</b>	Brand Developers Ltd
<b>ADVERTISEMENT</b>	Brand Developers Ltd, Television
<b>DATE OF MEETING</b>	12 June 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television infomercial for Powerfit demonstrates the benefits of the “Multi-dimensional Vibration System” and makes claims about the fat burning and fitness benefits of the machine. The dvertisement ends with:” ... Don’t miss this incredible opportunity to try the amazing Powerfit on a 30 day risk free trial for only \$14.99.... This offer is not available in stores so call now.” The screen also displays a postage and handling fee of \$39.99.

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

Complainant, W Sommerville, said: The ad concentrates on weight loss from using this vibrating platform but it is the way they say in large letters 30 days trial for only \$14.95 then in much smaller unmentioned is \$39.95 post and packing. Many free offers included but nowhere does it mention the price. I first saw the ad in Auckland about two weeks ago and called the number. They called back and upon checking the price of the unit was \$930.00!. they did the hard sell saying you can pay \$25 per week etc. I said it was too expensive and she said hold the line to see if I can locate an "ex demo" which of course she did for \$630. The sales pitch would suck in the unsuspecting easily persuaded buyers in a way that I find didturbing.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2; Therapeutic and Health Advertising Code - Principle 1, Principle 2.**

**The Chair** noted the Complainant’s concern that the pricing was confusing and could mislead consumers.

The Chair ruled that the advertisement’s primary price focus was on selling a trial period for the product and as such had identified the price of \$14.99 for a 30-day trial and \$39.95 for the postage and handling. The Chair noted these two prices were identified together in the advertisement in an orange circle in the middle of the screen. As the relevant information was clearly displayed in the advertisement, it was unlikely to mislead consumers. The Chair also took into account a precedent ruling on a similar issue, Decision 15/351.

Accordingly, the Chair said the advertisement was not misleading and had been prepared with a due sense of social responsibility to consumers and society. The Chair rules there was no apparent breach of the Advertising Codes and no grounds for the complaint to proceed.

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