

COMPLAINT NUMBER	17/045
COMPLAINANT	A. Macdonald
ADVERTISER	Uber
ADVERTISEMENT	Radio
DATE OF MEETING	31 July 2017
OUTCOME	Settled

Advertisement: The radio advertisement featured “Daniel” talking about his experience as an Uber driver and stated “with background checks on every driver. Uber gets Daniels life story before you do.”

The Chair ruled the complaint was Settled.

Complainant, A. Macdonald, said: they were concerned about “a series of adverts specifically promoting that passengers are safe and drivers legal and safe due to 'background checks being completed' for drivers. On April 21st 2016 Uber Nz removed the requirements for their drivers to have a passenger Endorsement license from the NZTA to drive as a private hire driver under the uber platform. This is illegal and removes the Fit and Proper background check that is required under NZ law. Uber have replaced this comprehensive check with their own third party ministry of justice and driving history check which does not meet NZ law or the NZTA requirements and is severely lacking in its history of the driver. The NZTA has sent out over 2,000 letter to would be drivers stating that the background checks are not sufficient and are in fact illegal along with media scrutiny and government clearly stating these background checks are mandatory and by not complying this is an illegal act. UBER NZ has purposely advertised 'background checks' misrepresenting their knowledge of the background of a driver and is entirely misleading about the legality of the background check and to what extent the background check is carried out. This is designed to cause confusion within the public and drivers alike as to the legality and extensive nature of these checks. Ubers background check is a simply ministry of justice check and driver history check which can only see convictions in New Zealand and does not take into account any overseas history, charges laid or pending against a person and falls short of any New Zealand requirements by a long way, I have the NZTA letters which I am happy to send you that have been sent to every driver so they understand their obligations and believe this form of radio advertising is a blatant tactic to mislead the public as to the extent of its checks due to the recent media scrutiny over their dropping the legally required checks. I am available for comment at anytime and believe this billboard and its advertising to be in direct violation of a fair representation of the companies process.”

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

The Chair noted the concerns of the Complainant the advertisement misrepresented the thoroughness of the background checks conducted by Uber which was misleading.

The Chair noted the complaint before her was held pending the outcome of Complaint 17/012 Appeal 17/007 which considered a similar claim about Uber’s background checks on a billboard. The Chair noted Complaint 17/012 Appeal 17/007 was Upheld as the Appeal

Board ruled the claim “Background checks on every driver. We get Becky’s life story before you do” implied a comprehensive background check which was not demonstrated by the evidence provided.

The Chair noted the information received from the Broadcaster, Mediaworks, that the advertisement had ceased broadcast in December 2016 and had not aired again since.

Taking into account the similarities in the advertisements, the Chair said the findings in precedent Decision Complaint 17/012 Appeal 17/007 applied to the complaint before her. She confirmed very similar wording had been found in breach of the Code of Ethics. However, as the advertisement before her was no longer playing on radio, the Chair said it would serve no further purpose to place the matter before the Complaints Board for consideration and ruled the complaint was Settled.

Chair’s Ruling: Complaint **Settled**