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| <b>COMPLAINT NUMBER</b> | 17/279                            |
| <b>COMPLAINANT</b>      | S Hayman                          |
| <b>ADVERTISER</b>       | Inspector Spot                    |
| <b>ADVERTISEMENT</b>    | Inspector Spot, Digital Marketing |
| <b>DATE OF MEETING</b>  | 26 September 2017                 |
| <b>OUTCOME</b>          | Not Upheld                        |

## SUMMARY

The website and Facebook advertisement for Inspector Spot included the claim “New Zealand’s only Certified Pet Detective.”

The Complainant said the advertisement was misleading as there was no substantiation for the advertiser’s claim they are the only ‘Certified’ Pet Detective in New Zealand.

The Complaints Board agreed the substantiation provided by the Advertiser was sufficient to support the claims made in the advertisement.

The Complaints Board ruled that the advertisement was unlikely to deceive or mislead the consumer and had been prepared with a due sense of social responsibility to consumers and to society, as required by the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## 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 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’s concern was that the advertisement featured on the Advertiser’s website and Facebook page were making potentially misleading claims about being the only certified pet detective in New Zealand when there was no substantiation of this statement.

### **The Advertiser Response from Inspector Spot**

The Advertiser denied the website and Facebook advertisement were misleading and provided evidence of their qualification. The Advertiser also highlighted video links listed on the website which provides details of the internationally recognised certification.

### **The Complaints Board Discussion**

The Complaints Board began by agreeing that the consumer take-out of the advertisement was that this was a unique pet detective business which looks for lost pets.

The Complaints Board examined the substantiation provided by the Advertiser. This included a certification letter from the United States organisation, Missing Pet Partnership, which confirmed the Advertiser had completed the certified programme 'Missing Animal Response (MAR), entitling them to use the label 'Certified Pet Detective'.

The Complaints Board said that not specifically mentioning the certification in the advertisement did not make it misleading, as there are links on the website with further detail about the service and qualification, should consumers require more substantiation.

The Complaints Board noted the Advertiser had supplied evidence of a google search which supported the claim the Advertiser was the only listed Certified Pet Detective in New Zealand.

The Complaints Board said there was adequate substantiation to back up the claims made in the advertisement which meant it was unlikely to deceive or mislead the consumer and had been prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board ruled the advertisement had not breached the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

### **DESCRIPTION OF ADVERTISEMENT**

The Inspector Spot website and Facebook advertisement, [www.inspectorspot.co.nz](http://www.inspectorspot.co.nz), states that they are "New Zealand's only Certified Pet Detective." And that if your pet is lost "Our Certified Pet Detective can help."

### **COMPLAINT FROM S HAYMAN**

I believe the claim in this Facebook ad and website is misleading. It claims to be 'NZ's only certified Pet Detective' however no where does it state exactly what that certification is and where is it from. If being used as a advertising hook the detail of the qualification should be made available especially when claiming to be 'NZ's only'.

### **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: INSPECTOR SPOT

Thank you for providing a copy of the complaint submitted by S Hayman. I note that the complainant is known to me, having reported to me in a previous role approximately six years ago.

S Hayman's complaint falls into three core areas:

1. The claim "New Zealand's Only Certified Pet Detective" made on our Facebook advertisement and on our website is misleading
2. Nowhere do we state exactly what this Certification is or where it is from
3. The detail of the qualification should be made available if used in our advertising

The ASA has indicated that the rules that apply fall under the Code of Ethics, Basic Principle 4, Rule 2 which state:

1. All advertisements should be prepared with a due sense of social responsibility to consumers and to society.
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).

Our response to these concerns is as follows:

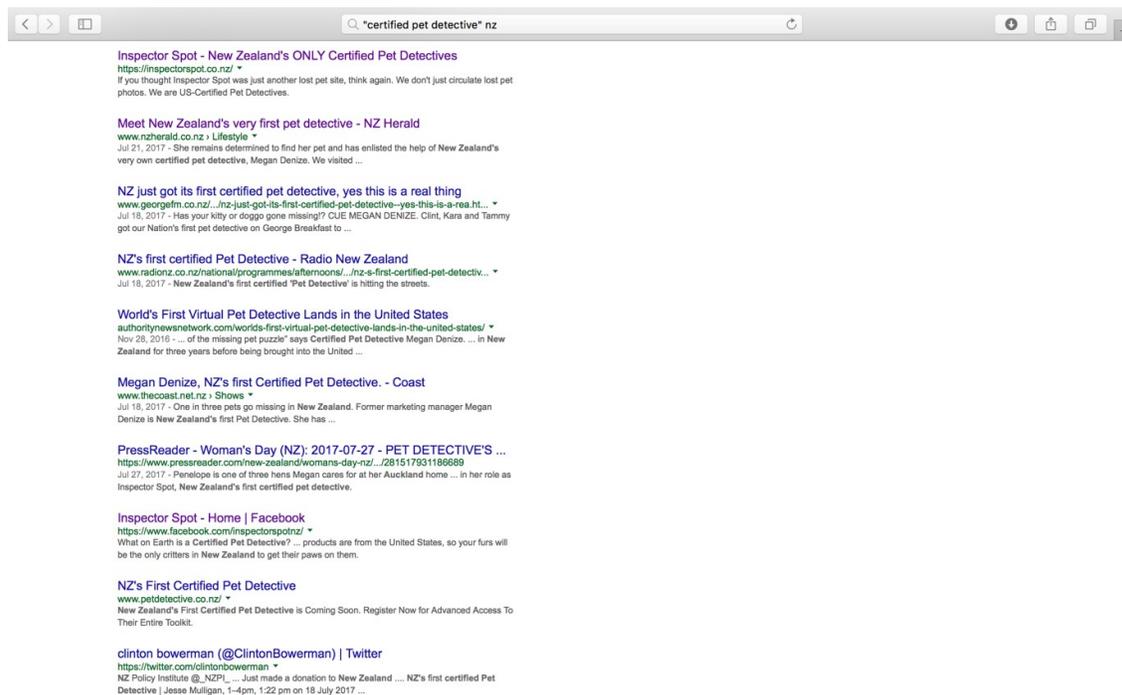
### **1. The claim "New Zealand's Only Certified Pet Detective" made on our Facebook advertisement and on our website is misleading**

It is unclear whether the complainant's concern is the use of the word "only" or the use of the words "Certified Pet Detective". We are therefore covering off both possibilities:

- Attached is a letter from Brigid Wasson (President of Missing Pet Partnership in the United States) verifying that the Certification is genuine. In short, we have not attempted to mislead the public by referring to Certification that does not exist.
- Missing Pet Partnership has invited me to join their Board of Directors. This appointment is made on an invitation basis only, based on the qualifications and experience of the individual. I am due to be appointed as Secretary of this organisation later this month.
- Missing Pet Partnership and its Founder are the only organisation in the world that Certify Pet Detectives. They maintain a database of all individuals who have trained and gained Certification to provide this service, and whose expertise is endorsed by their organisation.

There is no other individual or organisation who is Certified working in New Zealand. In short, we have not attempted to mislead the public by stating that we are the "only" Certified Pet Detective in New Zealand. There isn't another Certified Pet Detective working in this country.

A quick Google Search verifies this – the only references to this search term lead to Inspector Spot. This Google Search provides a range of articles which verify that the Certification is recognised by the media in New Zealand and in the United States:



- Also supplied is an abstract from an upcoming International speaking engagement, as evidence that this Certification and expertise are recognised within the industry internationally.

## 2. Nowhere do we state exactly what this Certification is or where it is from

The details of what this Certification involves (three core areas of training with a former US Police Detective) and where it was gained (the United States) is explained in our video "What on Earth is a Certified Pet Detective?". This video can be accessed at the following link. This video is available on our social media channels and on our website.

<https://www.facebook.com/inspectorspotnz/videos/1534014796661086/>

## 3. The details of the qualification should be made available if used in our advertising

Details of the Certification is provided in the aforementioned video and is explained in the written content of our website. The following pages of our website provide broad details of the Certification and how this translates to the services provided in New Zealand:

<https://inspectorspot.co.nz>

<https://inspectorspot.co.nz/membership/>

<https://inspectorspot.co.nz/lost/>

<https://inspectorspot.co.nz/found/>

<https://inspectorspot.co.nz/question-answers/>

<https://inspectorspot.co.nz/about-us/>

Just as a Doctor is not required to provide a link to the University they trained at or the hospital where they completed their Residency, we do not provide a link directly back to our trainers. This level of detail is not a requirement of our Certification, is not required under the Code and has never been requested by our customers. However, we do hold verification that the Certification is genuine should customers request this information. To date, this request has never been made.

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| Contact person for advertising complaints  | Megan Denize<br>Certified Pet Detective & Founder<br>Inspector Spot   |
| Name and contact at creative agency  |   |
| Name and contact at media agency   |   |
| A basic, neutral description of the advertisement  | The complainant has referred to our website: <a href="http://www.inspectorspot.co.nz">www.inspectorspot.co.nz</a> . This site carries the banner "New Zealand's Only Certified Pet Detective" |
| Date advertisement began   | 17 July 2017  |
| Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)   | Website   |
| Is the advertisement still accessible – where and until when?  | Yes – this material will be published on an ongoing basis   |
| A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version. | This banner can be viewed at <a href="http://www.inspectorspot.co.nz">www.inspectorspot.co.nz</a> . A copy has also been supplied by the complainant.   |
| Who is the product / brand target audience?  | Pet owners  |
| Clear substantiation on claims that are challenged by the complainant.   | Provided in the accompanying letter   |
| What platform tools have you used to target your audience?   | Our website and social media channels   |