

<b>COMPLAINT NUMBER</b>	17/308
<b>COMPLAINANT</b>	I James
<b>ADVERTISER</b>	Brand Developers Ltd
<b>ADVERTISEMENT</b>	Brand Developers Ltd, Television
<b>DATE OF MEETING</b>	11 September 2017
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for the Air Hawk Pro-Cordless pump offered “a risk free 30 day trial of the Air Hawk product for \$14.99”. ...”Just pay separate postage and handling “

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

**Complainant, I James, said:** Product Air Hawk Pro Cordless pump. The product advertising is deliberately misleading about the actual cost. It is advertised as costing \$14.95, but this is only for a 30 day moneyback trial. The actual cost is \$119.95.

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

**The Chair** noted the Complainant’s concern that the pricing in the advertisement was misleading.

While considering this complaint, the Chair referred to a precedent decision, 15/351, which addressed a similar complaint and said in part:

...”the advertisements were primarily focused on the free trial being offered and clearly identified the price of the postage and handling in the voiceover and onscreen. As the relevant information was clearly displayed in both advertisements, the Chairman said the advertisements were unlikely to mislead consumers as to the total cost of trialing the product.

As such, the Chairman was of the view the fact the final price was not explicitly mentioned in the advertisement before her did not make the advertisement misleading and, as such, said the advertisement had been prepared with a due sense of social responsibility to consumers and society. Therefore, the Chairman ruled there was no apparent breach of the Advertising Codes....”

The Chair said the precedent Decision applied to the complaint before her. While she recognised the pricing policy was an issue for the Complainant, the Chair said the advertisement was clear about the pricing for its trial offer and could therefore not be considered misleading. The Chair ruled that the advertisement had been prepared with a

due sense of social responsibility to consumers and society and said there was no apparent breach of the Advertising Codes.

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

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