

COMPLAINT NUMBER	18/037
COMPLAINANT	M Singh
ADVERTISER	Spark NZ Ltd
ADVERTISEMENT	Spark NZ Ltd, Digital Marketing
DATE OF MEETING	19 February 2018
OUTCOME	Settled – advertisement changed

Advertisement: The website advertisement for Spark NZ Ltd, www.spark.co.nz, shows a variety of iPhoneX products with pink boxes saying “Save \$503 incl GST off RRP over 24 months”

The Chair ruled the complaint was Settled.

Complainant, M Singh, said: I would like to process a formal complaint against Spark NZ. I went to Spark website to buy an Iphone X and on the website it clearly states the following: The screenshot is attached with this form

It states you can get Iphone X Interest free over 24 months on a Mobile \$39.99 Rollover plan and Save \$503 incl GST off RRP over 24 months.

I tried to buy that and once I go ahead to buy the phone, the discount is not applied. So, I contacted Spark to clarify and I have attached the chat.

As per Spark, the discount (\$503) is only available on \$59.99 plan over 24 months. That's clearly a false advertisement and I would like to Spark to offer what they have advertised on the website.

Please check this and advise.

The Advertiser, Spark NZ Ltd said in part:

“We accept that the text in the pink box could have been clearer. However, the later clarifying information on Spark’s website means a customer could not be misled into buying the iPhoneX on 24 months interest free, without being aware that they must sign on to a \$59.99 or above plan to be eligible for the \$503 saving.”

The specific iPhoneX Ad was withdrawn from Spark’s website on 25 January 2018. Since 8 February 2018, to help ensure there is no risk of a customer being confused about savings eligibility when browsing interest free phones, we have removed the pink offer box from adverts which promote interest free devices on plans which are ineligible for RRP savings

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

The Chair noted the Complainant’s concern the advertisement was misleading to consumers who tried to access the iPhoneX, 24 month interest free offer, because it was not available to customers on the \$39.99 plan.

The Chair acknowledged the Advertiser had made changes to the website, removing discount offers from mobile plans which are ineligible for the savings.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending the website, the Chair said that it would serve no further purpose to place the matter before the Complaints Board. The Chair ruled that the matter was settled.

Chair's Ruling: Complaint **Settled – advertisement changed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.