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| COMPLAINT NUMBER | 17/433 |
| COMPLAINANT | A Leicester |
| ADVERTISER | The New Zealand Companion Animal Council Inc |
| ADVERTISEMENT | Digital Marketing - Website |
| DATE OF MEETING | 27 February 2018 |
| OUTCOME | Settled – advertisement changed |

SUMMARY

The New Zealand Companion Animal Council Inc website advertises a free service for reporting a lost pet at <http://www.lostpet.co.nz/lost-found/report-a-lost-pet>.

The Complainant was concerned the Advertiser's website contained incorrect and misleading statements about competitor businesses.

The Advertiser responded that it had not mentioned any particular company and the Complainant had made assumptions about the companies being referred to. The Advertiser confirmed it offered a pet detective service and provided substantiation of this claim. The Advertiser confirmed it modified the website amending areas of concern.

The Complaints Board noted the Advertiser had provided substantiation to show it offered a pet detective service. The Complaints Board also acknowledged the Advertiser had modified the website.

The Complaints Board reviewed the changes made to the website and agreed the self-regulatory action taken by the Advertiser in removing the paragraph of concern had addressed the Complainant's issue of information that may mislead the consumer.

The Complaints Board ruled the complaint was Settled.

[No further action required]

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

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 Settled.

The Complaint

The Complainant was concerned the Advertiser's website contained incorrect and misleading statements about competitor businesses.

The Advertiser's Response

The Advertiser responded that it had not mentioned any particular company and the Complainant had made assumptions about the companies being referred to. The Advertiser confirmed it offered a pet detective service and provided substantiation of this. The Advertiser clarified that the following statement had been removed from its website. "We are aware of a company that has been exploiting owners at this time of great stress by using this underhand process ... They offer nothing that is not available for free online through reputable animal welfare agencies."

The Complaints Board Discussion

The Complaints Board began by discussing whether the original wording on the website contained misleading or incorrect information. The Complaints Board agreed that although no specific companies were mentioned, the lost pet industry was a relatively small sector. It agreed the strong language used in the advertisement would have required substantiation, in particular the claim that companies charging for services offer nothing more than the free service.

The Complaints Board noted the Advertiser had provided substantiation in the form of a pet detective certificate of achievement as confirmation it offered a pet detective service. The Complaints Board also acknowledged the Advertiser had modified the website.

The Complaints Board reviewed the changes made to the website and agreed the self-regulatory action taken by the Advertiser in removing the paragraph of concern had addressed the Complainant's issue of information that may mislead the consumer.

Accordingly, the Complaints Board ruled the complaint was Settled.

DESCRIPTION OF ADVERTISEMENT

The New Zealand Companion Animal Council Inc website advertises a free service for uploading a lost pet at <http://www.lostpet.co.nz/lost-found/report-a-lost-pet>. At the bottom of the lost pet page the website contained the following paragraph – "Please note: This site does NOT send SMS messages offering additional services or ask for further payments. If you receive a text offering any additional service please report this to abuse@lostpet.co.nz. We are aware of a company that has been exploiting owners at this time of great stress by using this underhand process and we strongly recommend any such message is ignored. They offer nothing that is not available for free online through reputable animal welfare agencies."

COMPLAINT FROM A LEICESTER

Yesterday, a new website (www.lostpet.co.nz) launched. This website is owned and run by the New Zealand Companion Animal Register according to their website. As a pet owner that has recently lost and found a cat, I am concerned by a blatantly incorrect and misleading statement made on this website.

Within the lost pet section, the website states "Please note: This site does NOT send SMS messages offering additional services or ask for further payments. If you receive a text offering any additional service please report this to abuse@lostpet.co.nz. We are aware of a company that has been exploiting owners at this time of great stress by using this underhand process and we strongly recommend any such message is ignored. They offer nothing that is not available for free online through reputable animal welfare agencies."

Having gone through the process of finding my missing cat using two different paid services, I can categorically confirm that this information is not correct. There are indeed paid services available that are NOT available for free online. And the services I used were in no way underhanded, or exploiting me at a time of stress.

The paid services I used were supplied by www.lostpetfinders.co.nz and www.inspectorspot.co.nz. Both provided services that are not available for free online. These services were as follows:

1. Lost Pet Finders provide an automatic alert system that phoned my neighbours and sent an alert to vets in the area. This service is not available for free online.

2. Inspector Spot matched me with a pet detective who personally worked with me to find my cat. She worked with me to profile my cat and complete a full strategy to locate him, and remained in contact with me every single day for over a month until my cat was found. This service is not available for free online. And this was the only place I could find that would provide this service.

I also used several free services in addition to the paid ones.

As a pet owner who has been through the trauma of losing a treasured pet, I was indeed stressed as www.lostpet.co.nz has suggested. But these two paid services did not abuse my trust or exploit me during this time. They offered genuine paid services that were not available anywhere else. I know this because I looked for help EVERYWHERE.

It is misleading and disingenuous for www.lostpet.co.nz to suggest that services such as these are exploiting pet owners when I found this to be far from the case. And indeed, it is not true that I paid for services that I could have gotten for free somewhere else. I believe this statement is putting lost pets at risk and deterring pet owners from doing everything they can do find their pets.

This is something I am very passionate about as I was truly grateful for the support these organisations provided during a very stressful time, and my cat was found solely as a result of the support they provided.

The statements made by www.lostpet.co.nz are in my view, anticompetitive, misleading and simply not true.

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 – THE NEW ZEALAND COMPANION ANIMAL COUNCIL INC

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| Contact person for advertising complaints | Jessica Walker NZCAC Manager manager@nzcac.org.nz |
| Name and contact at creative agency | N/A |
| Name and contact at media agency | N/A |
| A basic, neutral description of the | The page is a free service for uploading a lost pet. http://www.lostpet.co.nz/lost- |

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| advertisement | <p>found/report-a-lost-pet</p> <p>At the bottom of the page the following message was included:</p> <p>“Please note: This site does NOT send SMS messages offering additional services or asking for further payments. If you receive a text offering any additional service please report this to abuse@lostpet.co.nz. We are aware of a company that has been exploiting owners at this time of great stress by using this underhand process and we strongly recommend any such message is ignored. They offer nothing that is not available for free online through reputable animal welfare agencies.”</p> |
| Date advertisement began | 21 st of November 2017 |
| Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website) | http://www.lostpet.co.nz/ |
| Is the advertisement still accessible – where and until when? | <p>Yes the page is still available and the messaging at the bottom has been modified as follows:</p> <p>Please note: This site does NOT send SMS messages offering additional services or asking for further payments. If you receive a text offering any additional service based on your LostPet.co.nz listing, please report this to abuse@lostpet.co.nz. We strongly recommend any such message is ignored</p> |
| A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version. | Link to updated message on Lostpet.co.nz website: http://www.lostpet.co.nz/lost-found/report-a-lost-pet |
| Who is the product / brand target audience? | Pet owners with lost animals or the general public who have found a lost animal. |
| Clear substantiation on claims that are challenged by the complainant. | <ol style="list-style-type: none"> Nowhere on lostpet.co.nz do we mention either ‘LostPet Finder’ or ‘Inspector Spot’. It is the assumption of the complainant that we mean |

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| | <p>these sites.</p> <ol style="list-style-type: none"> 2. We inform users we do not send SMS messages and that if people are using <u>our site</u> to contact them to sell additional services that we feel this is wrong. Evidence of this occurring is attached. 3. We offer free or paid services that the complainant stated we do not offer (including a pet detective – certificate attached) and we will take legal action against any company that is trawling our client base for their own gain. Evidence of the ‘trawling’ is attached. |
| The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue. | We have updated the messaging to read as follows “ <i>Please note: This site does NOT send SMS messages offering additional services or asking for further payments. If you receive a text offering any additional service based on your LostPet.co.nz listing, please report this to abuse@lostpet.co.nz. We strongly recommend any such message is ignored.</i> ” |
| For Digital advertisements: | |
| What platform tools have you used to target your audience? | Website: http://www.lostpet.co.nz/ |

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.