

<b>COMPLAINT NUMBER</b>	18/124
<b>COMPLAINANT</b>	J Brown
<b>ADVERTISER</b>	Laser Plumbing
<b>ADVERTISEMENT</b>	Laser Plumbing, Digital Marketing
<b>DATE OF MEETING</b>	22 May 2018
<b>OUTCOME</b>	Not Upheld

### **SUMMARY**

The Laser Plumbing website [www.laserplumbing.co.nz](http://www.laserplumbing.co.nz) promoted their plumbing services, stating, in part: “Laser Plumbing is New Zealand's leading plumbing services company, offering professional plumbing services across the country.

Providing you with 'Totally Dependable' service, guaranteed!”

The Complainant said the statement 'Totally Dependable' service, guaranteed!” was misleading in their experience with Laser Plumbing’s service.

The Advertiser acknowledged that in this instance, the service provided was not up to their usual standard and explained the circumstances surrounding this failure.

The Complaints Board said the circumstances surrounding the service failure in this particular instance did not make the “Totally Dependable Guarantee” statement on the website misleading. The Complaints Board said the advertisement was not in breach of Basic Principle 4 of Rule 2 of the Code of Ethics.

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. Basic Principle 4 required the Complaints Board to consider whether the advertisement was prepared with a due sense of social responsibility to consumers and to society. Rule 2 required the Complaints Board to consider whether the advertisement contained 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).

**The Complaints Board ruled the complaint was Not Upheld.**

**The Complaint from J. Brown**

The Complainant said the advertisement for Laser Plumbing was misleading with respect to the Advertiser's claim of dependability and its service guarantee. The Complainant said the Advertiser's website stated "Every laser plumber member company provides you with 'Totally Dependable' service, guaranteed!" however, in the Complainant's experience it was not guaranteed in relation to timely delivery. The Complainant explained that "after booking a service a week before hand, they notified me, on the day of the booked service that they will not be attending." The Complainant explained that their reason for choosing the Advertiser's services was in order to "complete some work before the electrician arrived, so it was important that it got done."

**Response from Advertiser, Laser Plumbing**

The Advertiser responded to the Complainant's concern regarding its claim "totally dependable guarantee". The Advertiser said, in part "Our Guarantee of Totally Dependable comes from our nationwide network of professionals who are available to provide plumbing and electrical services under the Laser brand. One of the key differences with the Laser network is that Members have access to colleagues to rely upon when they need them for assistance with work they are not able to complete. They utilise this benefit because they are proud of the Totally Dependable slogan and want to provide a level of service above the average."

The Advertiser said it has had the 'Totally Dependable' slogan "for a number of years now and to our testament, I believe this is the first time it has been questioned via the Advertising Standards Authority. The 'Totally Dependable' guarantee is on every Laser Plumbing & Electrical website and we have 103 members/franchises that use this."

The Advertiser explained the staff member had to attend a funeral on the afternoon of the day they were booked to attend to the customer's job but did not communicate this to the customer "as they felt it didn't require this level of information, just that they were unable to attend the job on Friday and could do it first thing on Monday morning. Customer advised not to worry and they would find someone else."

The Advertiser said that "given the circumstances, we believe reasonable steps were taken to advise the customer of not being able to provide in his case 'Timely Delivery', however another time/day was offered, and the customer did advise they would go elsewhere."

The Advertiser acknowledged that in this case its member did not meet the standard required.

**Complaints Board Discussion**

The Complaints Board said its role was to consider the likely consumer take-out of the claim "Totally Dependable Guarantee" in the advertisement before it and consider whether it was likely to mislead consumers.

The Complaints Board said most consumers would understand a "guarantee" to be a promise with certainty that the product or service will be delivered. It said a guarantee implied that certain conditions will be fulfilled relating to a product, service, or transaction and that there would be a remedy if the conditions were not met. It said consumers would interpret a "totally dependable guarantee" to mean the Advertiser was able to be relied upon but noted it was not clear from the Advertiser's website how the guarantee was activated.

However, the Complaints Board noted the explanation from the Advertiser regarding the circumstances for the service failure in this particular instance. It took into account the Advertiser's view that its services were "totally dependable" due to its nationwide network of

tradespeople who can be called upon if needed. The Complaints Board noted Advertiser acknowledged that the level of service did not meet their standards in this instance and apologised. The Complaints Board said the service issue did not make the "Totally Dependable Guarantee" statement on the website misleading.

While the Complaints Board acknowledged the Complainant's frustration and the impact on other maintenance work scheduled, it said taking into account the scale of the issue, including that the staff member had offered to attend the following working day, the statement was not misleading.

The Complaints Board said the advertisement and had been prepared with a due sense of social responsibility to consumers and society and was not in breach of Basic Principle 4 of Rule 2 of the Code of Ethics.

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

## DESCRIPTION OF ADVERTISEMENT

The Laser Plumbing website [www.laserplumbing.co.nz](http://www.laserplumbing.co.nz) promoted their plumbing services, stating, in part: Find Your Local Plumber. Laser Plumbing is New Zealand's leading plumbing services company, offering professional plumbing services across the country.

Providing you with 'Totally Dependable' service, guaranteed!"

## COMPLAINT FROM J BROWN

"Every laser plumber member company provides you with 'Totally Dependable' service, guaranteed!" My experience is that it is not guaranteed when it comes to timely delivery. After booking a service a week before hand, They notified me, on the day of the booked service that they will not be attending. They can't be totally dependable service, guaranteed, if they do not attend the booked service at an agreed date. The reason for using this company and their service was I needed their gas fitter to complete some work before the electrician arrived, so it was important that it got done. I find the advertising "Every laser plumber member company provides you with 'Totally Dependable' service, guaranteed!" misleading, as it is not dependable or guaranteed.

## CODES OF PRACTICE

### 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, LASER PLUMBING

Re: Laser Plumbing Digital Marketing – Complaint 18/124

Contact person for advertising complaints	Kelly Lowe, k.lowe@lasergroup.co.nz
Name and contact at creative agency	
Name and contact at media agency	Nick Jerrat, nick@publishmyweb.com
A basic, neutral description of the advertisement	<p>The advertising complaint is referring to our website which says:</p> <p><b>"Totally Dependable" Guarantee</b></p> <p>Every laser plumber member company provides you with 'Totally Dependable' service, guaranteed!</p> <ul style="list-style-type: none"> <li>✓ Timely delivery</li> <li>✓ Promise of care and skill</li> <li>✓ Appropriate work for customers needs</li> <li>✓ Well presented, professional employees</li> <li>✓ Ensure responsibility of material supplied</li> <li>✓ Honour manufacturer's guarantees</li> <li>✓ Meet and frequently exceed our customers' expectations</li> </ul> 
Date advertisement began	Over 7 years ago
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Website mainly, however it is on other advertising as a slogan "Totally Dependable"
Is the advertisement still accessible – where and until when?	It's our slogan and it permanently on our websites, on vehicles, on the radio, local newspaper advertisement's.  <a href="http://www.laserplumbing.co.nz/why-choose-laser#guarantee">http://www.laserplumbing.co.nz/why-choose-laser#guarantee</a>
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	<a href="http://www.laserplumbing.co.nz/why-choose-laser#guarantee">http://www.laserplumbing.co.nz/why-choose-laser#guarantee</a>

	<p><b>"Totally Dependable" Guarantee</b></p> <p>Every laser plumber member company provides you with 'Totally Dependable' service, guaranteed!</p> <ul style="list-style-type: none"> <li>✓ Timely delivery</li> <li>✓ Promise of care and skill</li> <li>✓ Appropriate work for customers needs</li> <li>✓ Well presented, professional employees</li> <li>✓ Ensure responsibility of material supplied</li> <li>✓ Honour manufacturer's guarantees</li> <li>✓ Meet and frequently exceed our customers' expectations</li> </ul> 
<p>Who is the product / brand target audience?</p>	<p>Plumbing Service target audience is people aged 30-59 years, male skew, B2B &amp; B2C, anyone needing Plumbing needs.</p>
<p>Clear substantiation on claims that are challenged by the complainant.</p>	<p>Staff member at Laser Plumbing Waihi Beach called J Brown (customer) at 9.41am on Friday 13<sup>th</sup> April (day of job) and explained that they had to attend a few jobs they were unable to get to the day before. Staff member offered to attend customer's job first thing Monday morning instead. Unfortunately, staff member actually had to attend a funeral on the afternoon of the Friday. The funeral was not communicated to the customer as they felt it didn't require this level of information, just that they were unable to attend the job on Friday and could do it first this on Monday morning. Customer advised not to worry and they would find someone else.</p> <p>Given the circumstances, we believe reasonable steps were taken to advise the customer of not being able to provide in his case "Timely Delivery", however another time/day was offered, and the customer did advise they would go elsewhere.</p>
<p>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.</p>	<p>.</p>
<p><b>For Broadcast advertisements:</b></p>	
<p>A copy of the script</p>	
<p>A copy of the media</p>	

schedule and spot list  (Please remove all financial information)	
CAB key number and rating	
<b>For Digital advertisements:</b>	
What platform tools have you used to target your audience?	Radio advertising to drive customers to website. Also PPC.

We have had the “Totally Dependable” slogan for a number of years now and to our testament, I believe this is the first time it has been questioned via the Advertising Standards Authority. The “Totally Dependable” guarantee is on every Laser Plumbing & Electrical website and we have 103 members/franchises that use this.

Unfortunately, this is a one off and certainly not your usual circumstances.

#### **Further response from the Advertiser**

Our Guarantee of Totally Dependable comes from our nationwide network of professionals who are available to provide plumbing and electrical services under the Laser brand. One of the key differences with the Laser network is that Members have access to colleagues to rely upon when they need them for assistance with work they are not able to complete. They utilise this benefit because they are proud of the Totally Dependable slogan and want to provide a level of service above the average.

While in this case we acknowledge the Member didn't meet our usual standard (which we assume to be the case because the customer advised they would seek assistance elsewhere), in the normal case our Members have the ability to call upon other Laser network Members to assist with work. This benefit is often utilised because of the close relationships Members have within the Laser network and is supported by our Franchising agreement that prevents customer poaching when providing assistance to another Member.

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.