

COMPLAINT NUMBER	18/282
COMPLAINANT	E Dowle
ADVERTISER	Amalgamated Hardware Merchants Ltd.
ADVERTISEMENT	McGregors, Digital Marketing
DATE OF MEETING	30 August 2018
OUTCOME	Settled – advertisement changed

Advertisement: The McGregor's website advertisement, www.mcgregors.co.nz, promoted seeds including *Lupinus Polyphyllus* under the product heading 'Native.'

The Chair ruled the complaint was Settled.

Complainant, E Dowle, said: I was in a store today and I was surprised to learn that *Lupinus polyphyllus* is classed as a 'native' in McGregor's 'NZ native seed range'. They are not native. In fact they are a exotic pest species that DOC spends thousands of dollars each year managing. If you would like to read more I suggest this article which gives an over view on why they were spread in the first place and why they are not causing such issues. <https://www.nzgeo.com/stories/war-of-the-lupins/> I would also like to point out that fox gloves are clearly not native either. I understand that this likely a marketing strategy and that they never really say that they are 'native' but I find it blatantly miss-leading and many NZers will not be well versed enough on their native plant species to realise that this is false advertising. I know many people would be upset to realise the native plant species they had carefully grown from seeds were actually excotic pests.

The Advertiser, Amalgamated Hardware, said: In response to the complaint received by E Dowle, AHM have completed an investigation into this product and the claims made against Russell Lupins (*Lupinus polyphyllus*) seed packets under our McGregor's brand.

We have concluded that Russell Lupins (*Lupinus polyphyllus*) is a controversial plant that is considered decorative in some areas, but acknowledge that in South Canterbury it can be considered a pest by some due to the difficult nature of managing this plant.

Our Russell Lupins seeds are classed as a Wildflower by identification of the symbol on the top right of the packet. AHM acknowledges that this product was displayed on our website under both our 'Products' and 'Seed Selector' menu under the product category of 'Native'.

Since discovering this we have updated our website 'Native' product categories to now include 'Wildflowers' to distinguish that this product category includes both Native and Wildflower seed varieties. I have included in the email before and after screenshots highlighting these changes, as well as an example of our native packaging and wild flower packaging.

We do apologise for any inconvenience caused and thank ASA and E Dowle for bringing this to our attention.

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

The Chair noted the Complainant's concern that the website advertisement had categorised Lupinus Polyphyllus seeds as native which was misleading.

The Chair acknowledged the Advertiser had made changes to the website, amending the product and seed selector headings to read Native/Wildflower.

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.