

COMPLAINT NUMBER	18/323
COMPLAINANT	S Billington
ADVERTISER	2 Cheap Cars
ADVERTISEMENT	2 Cheap Cars, Television
DATE OF MEETING	27 November 2018
OUTCOME	Not Upheld

SUMMARY

The television advertisement for 2 Cheap Cars shows three people dressed in camouflage holding weapons and surrounded by explosions. The voiceover says “The fight for cheap cars continues. 2 Cheap Cars wants to help you get the best deal this weekend.” The advertisement features three different cars for sale with on-screen pricing information including, “Nissan Tilda from \$4,974 +ORC (On Road Costs) or from \$3 P/D* (Per Day)”. Terms and conditions in fine print at the bottom of the screen for most of the advertisement include details of the finance terms and conditions from Finance Now.

The Complainant was concerned the fine print terms and conditions at the bottom of the screen are too small and blurry for consumers to read them.

The Advertiser said that to include all the terms and conditions of the finance arrangement, the font needed to be small. The Advertiser said for future advertisements it would simplify the full terms and conditions to “Finance company T&Cs apply. Full terms and conditions are available at our website and social media.”

The Complaints Board said there was a level of understanding from consumers that purchases of reasonable significance on finance, such as a car come with terms and conditions which can be difficult to clearly communicate in advertising. Further investigation to ascertain eligibility for finance may be required. The Complaints Board noted the Advertiser intended to simplify the terms and conditions of its fine print for future advertisements.

The Complaints Board agreed there were sufficient signals in the advertisement including the use of the asterisk and the reference to a per day cost along with the presence of the fine print to indicate that terms and conditions applied to the finance offer. In the context of an advertisement selling cars, the Complaints Board agreed the readability of the fine print in this case did not reach the threshold to make the advertisement likely to deceive or mislead the consumer. The advertisement had been prepared with the required standard of social responsibility.

The Complaints Board ruled the complaint was Not Upheld.

[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.

Basic Principle 4 required the Complaints Board to consider whether the advertisement had been 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.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the fine print terms and conditions at the bottom of the screen were too small and blurry to be read properly.

The Advertiser's Response

The Advertiser said that to include all the terms and conditions of the finance arrangement, the font needed to be small. The Advertiser said for future advertisements it would simplify the full terms and conditions to "Finance company T&Cs apply. Full terms and conditions are available at our website and social media."

The Media's Response

The Commercial Approvals Bureau said the rule can only be found in breach if disclaimers invalidate an offer or its terms.

The Complaints Board Discussion

The Complaints Board began by discussing the consumer takeout of the advertisement and agreed it advertised used cars for sale with the price of each model plus on-road costs. As an alternative to paying the total cash price finance was available and consumers could pay rates as low as \$3 a day. Conditions applied to that offer.

The Complaints Board agreed the terms and conditions shown on the screen were difficult to read, in part due to the lack of contrast behind the white print. It noted the terms and conditions appeared on screen for most of the advertisement, which would help indicate to consumers that conditions applied to the finance offer. The Complaints Board agreed the per day finance offer did not dominate the advertisement and appeared in smaller font under the cash price for each car.

The Complaints Board said there was a level of understanding from consumers that purchases of reasonable significance on finance, such as a car, come with terms and conditions which can be difficult to clearly communicate in advertising. Further investigation to ascertain eligibility for finance may be required. The Complaints Board noted the Advertiser intended to simplify the terms and conditions of its fine print for future advertisements.

The Complaints Board agreed there were sufficient signals in the advertisement including the use of the asterisk and the reference to a per day cost along with the presence of the fine print to indicate that terms and conditions applied to the finance offer. In the context of

an advertisement selling cars, the Complaints Board agreed the readability of the fine print in this case did not reach the threshold to make the advertisement likely to deceive or mislead the consumer. The advertisement had been prepared with the required standard of social responsibility.

Therefore, the Complaints Board said the advertisement was not in breach of Basic Principle 4 or Rule 2 of the Code of Ethics.

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

DESCRIPTION OF ADVERTISEMENT

The television advertisement for 2 Cheap Cars shows three people dressed in camouflage holding weapons and surrounded by explosions. The voiceover says “The fight for cheap cars continues. 2 Cheap Cars wants to help you get the best deal this weekend.” The advertisement features three different cars for sale with on-screen pricing information including, “Nissan Tilda from \$4,974 +ORC (On Road Costs) or from \$3 P/D* (Per Day)”. Terms and conditions in fine print at the bottom of the screen for the majority of the advertisement include details of the finance terms and conditions from Finance Now.

The fine print said: *T&C: All daily payments are indicative only for that type of vehicle and are based on a term of 48 months at an interest rate of 14.95% with a 30% deposit and a \$1.80 monthly service fee and a \$495 establishment fee. Details of finance (including weekly repayments, the total amount repayable over the term of the loan, interest rate and any applicable fees) can be confirmed with a detailed quote with the dealership. Full disclosure of all the terms of your finance will also be provided to you in the Finance Now disclosure statement for your consideration prior to confirmation of your purchase. All finance is subject to Finance Now’s terms and conditions and approval criteria.

COMPLAINT FROM S BILLINGTON

Advertisement refers to terms and conditions on the bottom but they are unreadable both blurry and small

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, 2 CHEAP CARS

Contact person for advertising complaints	Chloe Zhang
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Name and contact at creative agency	2 Cheap Cars Marketing
Name and contact at media agency	Lucy Smith Consulting Ltd
A basic, neutral description of the advertisement	To advertise car price points and finance deal
Date advertisement began	September 16, 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	TV, Facebook, Youtube and Ondemand
Is the advertisement still accessible – where and until when?	Yes, still available on Youtube
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	See attached
Who is the product / brand target audience?	Male/Female 24 years old - 45 years old
Clear substantiation on claims that are challenged by the complainant.	The advertisement refers to finance terms and conditions which is provided by our finance company. The terms and conditions are very long and we want to put all content in the TV safe zone.
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.	In order to put all finance terms and conditions in the TV safe zone, we have to make the font small. We didn't make it unreadable and blurry. The terms & conditions are not involved with 2 Cheap Cars car promotion and special prices. We will simplify the full terms and conditions to "Finance company T&Cs apply. Full terms and conditions are available at our website and social media." for the future advertisements.
For Broadcast advertisements:	
A copy of the script	The fight for cheap cars continues! 2 Cheap Cars want to help you get the best deal this weekend! Nissan Tiida from only 4974! Mazda Axela from only 5974! Mitsubishi Outlander from only 6974! Finance from 3 a day!*
	Cheap Cars Forever at 2 Cheap Cars!

A copy of the media schedule and spot list (Please remove all financial information)	See attached
CAB key number and rating	2CCSS1507
For Digital advertisements:	
What platform tools have you used to target your audience?	Google adsense, Youtube, Facebook

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

CAB has been asked to respond under the following codes:
Code of Ethics - Basic Principle 4, Rule 2;

Rule 2 of the Code of Ethics states that advertisements must not mislead or deceive consumers. This is a positivist statement, meaning no element should be introduced for the purposes or effect of deception.

With regards to the display of text on screen, this means that disclaimers, terms and conditions, should not undermine or invalidate the claims or central message made by a commercial.

The rule can only be found in breach if disclaimers invalidate an offer or its terms.

In this respect, the legibility of disclaimers is not an issue - an advertiser may present any given amount of text on screen for their own edification, so long as it does not compromise the central claims of the commercial.

An upheld decision can only be made if the conditions set out in the on-screen text is misleading.

CAB will defer to the advertiser for full details of that text.

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.