

COMPLAINT NUMBER	18/384
COMPLAINANT	J Mowbray
ADVERTISER	OneRoof
ADVERTISEMENT	OneRoof, Print
DATE OF MEETING	11 December 2018
OUTCOME	Not Upheld

SUMMARY

The print advertisements for the OneRoof property information website www.oneroof.co.nz, were published in the *New Zealand Herald* and the *Kapiti News* newspapers.

The Complainant said the advertisements were misleading by showing locations which did not match the map application and property valuations which did not accurately reflect what the properties were worth.

The Advertiser, NZME, said the advertisements were intended to be illustrative rather than factual. The Advertiser said the advertisements used stock images in order to demonstrate the capabilities of the website and mobile application. The Advertiser said it will include a disclaimer on future advertisements to say the images presented are illustrative.

The majority of the Complaints Board said the advertisements were promoting the products OneRoof had to offer, and the average consumer would be unlikely to recognise the location of the stock photographs used. The Board said the illustrative nature of the advertisements would be apparent to most consumers. The Complaints Board said the advertisements did not meet the threshold to be likely to mislead or deceive the consumer and were not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

A minority of the Complaints Board disagreed and said that a high level of care was required when presenting actual properties and their likely valuations or images that did not match with a map location. The minority said the advertisements had breached Basic Principle 4 and Rule 2 of the Code of Ethics.

In accordance with the majority, 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 said the advertisements were misleading by showing locations which did not match the map application and property valuations which did not accurately reflect what the properties were worth.

The Advertiser Response

The Advertiser, NZME, said the advertisements were intended to be illustrative rather than factual. The valuation image featured in *The Kapiti News* advertisement was intended to show how OneRoof presents an estimated valuation of a property. The Advertiser said the location image of the aerial shot of houses and the insert mobile phone image featured in *The New Zealand Herald*, used stock photos to illustrate the OneRoof App capabilities. The Advertiser said it would use a disclaimer on future advertisements to make it clear that valuations and images are illustrative.

The Complaints Board Discussion

The Complaints Board began by discussing the likely consumer takeout of the advertisements subject to the complaint:

The Kapiti Coast advertisement

The advertisement showed an aerial image of properties with valuation speech bubbles and the headline "How much is your home worth?" The OneRoof logo and website were provided and the smaller print described how the app and website worked. A mobile phone with the application operating was shown as an insert. The Complaints Board said the likely consumer takeout was that OneRoof can help consumers with information on the property market for a specific geographical area. The Board said that most consumers would understand the advertisement was promoting a service which offered an estimated valuation of a property as opposed to presenting live property information for a specific area.

The New Zealand Herald advertisement

The Advertisement showed an aerial photograph of properties with an insert of a mobile phone map application. The headline states "One nest egg closer to retiring." The OneRoof logo and website were provided and the smaller print described how OneRoof holds financial data on NZ homes nationwide and this can be searched using the application. The Complaints Board said the consumer takeout of the advertisement was likely to be OneRoof can help in the search for an investment property. The Board said that average consumer would be unlikely to identify the location of the aerial photograph and therefore would not be aware the map shown on the mobile phone showed a different location.

The majority of the Complaints Board said the advertisements were promoting the products OneRoof had to offer, and the average consumer would be unlikely to recognise the location of the stock photographs used.

The Board said the illustrative nature of the advertisements would be apparent to most consumers. The Complaints Board said the advertisements did not meet the threshold to be

likely to mislead or deceive the consumer and were not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

A minority of the Complaints Board disagreed and said that a high level of care was required when presenting actual properties and their likely valuations or images of locations that did not match with a map. The minority said the advertisements had breached Basic Principle 4 and Rule 2 of the Code of Ethics.

The Complaints Board noted the self-regulatory action taken by the Advertiser to include a disclaimer on future advertisements, stating that valuations and images are illustrative. The Complaints Board said this action would ensure an additional level of clarity for consumers viewing the advertisements.

In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The print advertisements for the One Roof property information website www.oneroof.co.nz, were published in the New Zealand Herald and the Kapiti News newspapers.

The Kapiti News advertisement showed an aerial view of houses with valuations in speech bubbles and the wording “How much is your home worth??... Buying. Selling. Renting. Investing. View your house value for FREE on OneRoof.co.nz”

The New Zealand Herald advertisement shows an aerial view of houses and an insert image of a mobile phone showing a map. The text says “One nest egg closer to retiring. Secure the right Investment Property. OneRoof holds financial data on NZ homes nationwide. Search for investment properties that meet your criteria and assess their potential for capital growth.”

COMPLAINT FROM J MOWBRAY

One roof advertised on the 5th Oct. An advertisement suggesting the view as Southshore as shown on phone. In fact view is of Hangi Beach.

On 17th Oct in the Kapiti News they used same photo with property valuations which were completely false.

One house shown at 680k is in fact valued by them at \$2.9m the next door house is shown at 650k and used by them at \$3.3m

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: 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/ MEDIA, NZME ON BEHALF OF ONEROOF

We are writing on behalf of NZME (the media) and OneRoof (the advertiser) in response to the above complaint regarding OneRoof's advertising.

These advertisements were designed and submitted by NZME/OneRoof. We do not consider that the advertisements are misleading.

The ASA identified Basic Principle 4, Rule 2 as potentially being breached:

All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

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).

Property valuations

One of the advertisements shows an aerial shot of homes, each with a superimposed valuation.

It is OneRoof's position that this collateral was not a claim that requires substantiation. Instead, it was illustrative only and not intended to be relied upon in respect of the actual homes pictured. For example, we would not expect a home owner or prospective buyer to rely on the figure published in the advertisement as OneRoof's valuation. Instead, the image is intended to illustrate how OneRoof can show an estimated valuation of a home in New Zealand.

OneRoof's estimated valuations are computer-generated estimates of what OneRoof thinks a property might sell or rent for. In that way, it is not intended to replace the appropriate due diligence, research and professional advice that should be carried out when making any decision about buying or selling property.

NZME and OneRoof clearly set out on the OneRoof website that, for a current appraisal of a property, it is recommended that the public contact a local real estate agent or property manager or a registered valuer who will carry out a formal valuation to be relied upon.

Location

The advertisement shows an image of a cell phone with a map pictured (illustrating the OneRoof app), inset in an aerial image of a stock photo in Coromandel Peninsula. The map is of Southshore, Christchurch.

Again, we do not consider that the public would necessarily link the map image to that of the stock photo, nor would the public rely on it as a certain claim.

In terms of the ad being prepared with a due sense of social responsibility, we consider that most people would not consider the valuations to be a claim as to accuracy, nor do we consider that the public would rely on the image of the map and of the stock photo. These are illustrative only.

However, for prudence, OneRoof will clearly state at the foot of any future imaging that the valuations and images are illustrative only.

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.