

<b>COMPLAINT NUMBER</b>	16/426
<b>COMPLAINANT</b>	J Birse
<b>ADVERTISER</b>	Shore Shuttles
<b>ADVERTISEMENT</b>	Shore Shuttles, Website
<b>DATE OF MEETING</b>	25 January 2017
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The Shore Shuttles and Rentals website advertisement was for Auckland airport transfers from the North Shore, door to door with a seven-day 24-hour service. The advertisement offered online booking with fares starting from \$49 and said, “Just grab your flight number and we'll work out the rest.”

The Complainant was concerned that the company advertised transfers from \$49 but when they booked such a service from Northcote Point, believing that was the closest suburb of the North Shore to the airport, and therefore the most likely to be at the advertised “from” price of \$49, the price charged was \$85.

The majority of the Complaints Board said the description of fares “from \$49” was not misleading and acknowledged that the Advertiser was in the process of publishing more details with regard to fares on its website.

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.

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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. This required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society and whether the advertisement was misleading or likely to mislead.

### **The Complaints Board ruled to Not Uphold the complaint**

#### **The Complaint**

The Complainant said the company advertised transfers from Auckland Airport from \$49 and they booked such a service to Northcote Point, believing, since it was the closest suburb of the North Shore to the airport, that it was most likely to be at the advertised “from” price of \$49. The Complainant continued: “The price then charged for the booking (without

notification that such a price would be charged) was \$85. This is more than 70 percent above the price I expected to pay based on the advertisement. I consider this to be misleading at best and outright fraudulent at worst.”

### **The Advertiser’s Response**

The Complaints Board then considered the response from the Advertiser, Shore Shuttles. The Advertiser confirmed that the Complainant had been sent an email confirming their booking on December 1st at 1.48pm. The Advertiser continued: “Upon cancellation due to the fact the complainant clearly did not read the sentence on our website ‘from \$49’ we sent an email advising we would refund the fare less a \$5 refund fee which was stated in the confirmation. I fail to see how this can be deemed a scam.” The Advertiser said they had been operating for more than 25 years and had never received a complaint at the level of the one being considered by the Complaints Board. The Advertiser maintained the price point advertised related more to timing than distance and Shore Shuttles was in the process of publishing fares on its website in due course. The Advertiser hoped to have testing of this completed by the new financial year.

### **The Complaints Board’s Discussion**

The minority of the Complaints Board said the advertisement was misleading as information about the basis for the fares was not currently available on the website. In the minority view, it should be clear to consumers the price they would pay and the basis for that price.

However, the majority of the Complaints Board said the description of fares “from \$49” was not misleading. The majority noted that the use of the word “from” was a common approach to signal a minimum price. It suggested the possibility of a higher price. While the Complainant had assumed the fare price related to distance, the Advertiser advised the fare charged was influenced by the time of the booking – in this case, close to Midnight. It acknowledged that the Advertiser was in the process of publishing fares online so customers would be alerted to the effect of time of day more than distance, on fares.

The majority of the Complaints Board agreed the advertisement did not meet the threshold to mislead consumers and was not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board rule to Not Uphold the complaint.

## **DESCRIPTION OF THE ADVERTISEMENT**

The Shore Shuttles and Rentals digital advertisement was for Auckland airport transfers and its opening pages had panels of booking information bordered with strips of shadowy fragments of North Shore suburb names. At top of the home page was the Shore Shuttles and Rentals logo opposite a freephone number and the opportunity to click for a booking. Underneath was a rolling series of images related to the business and including an overlay of the words “Airport Transfers – Door to Door – 24 Hour Service.” Beside the window carrying the images were the words “Book online with fares starting from \$49. Just grab your flight number and we’ll work out the rest. Start your booking by clicking below.”

## **COMPLAINT FROM J. BIRSE**

“The company advertises transfers from Auckland Airport from \$49. I went to book such a service to Northcote Point, the closest suburb of the North Shore to the airport and therefore the most likely to be at the advertised ‘from’ price of \$49. The price then charged for the booking (without notification that such a price would be charged), was \$85. This is more than

70% above the price I expected to pay based on the advertisement. I consider this to be misleading at best, and outright fraudulent at worst. The attached file outlines the company's website with the advertisement, the booking screen, and the subsequent booking confirmation email with the notification of an \$85 charge (not seen on the booking page). To top this off, they have refused to refund the full cost (which I think just tops this off as being a scam).”

## 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 SHORE SHUTTLES

The customer was sent an email confirming their booking on Thu, Dec 1, 2016 at 1:48 PM

Upon cancellation due to the fact the complainant clearly did not read the sentence on our website “FROM \$49.00” we sent an email advising we would refund the fare less a \$5 refund fee which was stated in the confirmation.

I fail to see how this can be deemed a SCAM.

We have been in operation for over 25 years and never have we received a complaint to this level.

The price point is more at various parts of the day and we are in the process of publishing our fares on our website in due course. We have invested a significant amount of money already (even before this complaint was made).

Testing is needing to be done and we are looking to have this completed by the new financial year.