

COMPLAINT NUMBER	17/034
COMPLAINANT	P Chapman
ADVERTISER	Visit Picton
ADVERTISEMENT	Visit Picton, Print and Website
DATE OF MEETING	28 February 2017
OUTCOME	Not Upheld

SUMMARY

The booklet-style visitors guide titled “Visit Picton & Waikawa Bay, Marlborough Sounds NZ” contains advertisements for a range of attractions in the Picton area, including: The Edwin Fox Ship and Visitor Centre with “The World’s Oldest Merchant Ship”, Mt Tapuaenuku – “Sir Edmund Hilary’s first peak” and the Queen Charlotte Track, a “70km track”.

The guide refers to the local marine reserves and “New Zealand’s most beautiful water environment” and says Picton, which has “fast become a firm favourite with New Zealanders” has “some of the best weather in New Zealand”.

The Complainant said some of the advertisements in the visitor guide were misleading, and went on to give examples. The Complainant said the Edwin Fox is not the world’s oldest merchant ship, as suggested, but “simply the hulk/hull of a wooden sailing vessel”, Mt Tapuaenuku was not Sir Edmund Hillary’s “first” peak, as he climbed Mt Ollivier years before, and the Queen Charlotte Track, quoted as “70km” long is in fact 71km.

The Complainant also said the marine reserves are not readily accessible and it is misleading to say Picton is fast becoming “a firm favourite with New Zealanders” and has “some of the best weather in New Zealand” and “New Zealand’s most beautiful water environment”.

The Advertiser responded in detail to each of the points made by the Complainant. The Advertiser said they produce the Visit Picton guide on an annual basis and it has never been their intention to mislead or deceive consumers.

The Complaints Board agreed the Visit Picton guide was not misleading and claims made by the Advertiser were substantiated.

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 Principles 3 and 4 and Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything which, either directly or by implication, was likely to deceive or mislead the consumer and if it had been prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The booklet-style visitors guide titled “Visit Picton & Waikawa Bay, Marlborough Sounds NZ” contains advertisements for a range of attractions in the Picton area, including: The Edwin Fox Ship and Visitor Centre with “The World’s Oldest Merchant Ship”, Mt Tapuaenuku – “Sir Edmund Hillary’s first peak” and the Queen Charlotte Track, a “70km track”.

The guide refers to the local marine reserves and “New Zealand’s most beautiful water environment” and says Picton, which has “fast become a firm favourite with New Zealanders” has “some of the best weather in New Zealand”.

The Advertiser’s Response

The Advertiser responded in detail to each of the points made by the Complainant. The Advertiser said they produce the Visit Picton guide on an annual basis and it has never been their intention to mislead or deceive consumers.

The Complaints Board Discussion

Having considered all the information provided, the Complaints Board turned to consider whether the advertisement had breached Basic Principle 3 or 4 or Rule 2 of the Code of Ethics.

The Complaints Board addressed each aspect of the complaint in turn and agreed that overall the claims made did not reach the threshold required to be regarded as misleading.

The Complaints Board agreed the claims made about the Edwin Fox ship had been substantiated and noted it has been recognised as a ship by the World Ship Trust. The Complaints Board said the visitor guide has a photo of the hull of the Edwin Fox, which alerts potential visitors about what to expect.

The Complaints Board said the minor differences in the lengths quoted for the Queen Charlotte Track, both in the visitor guide and elsewhere, were not material.

The Complaints Board agreed the description of Picton and environs as “New Zealand’s most beautiful water environment”, which has “fast become a firm favourite with New Zealanders” with “some of the best weather in New Zealand”, contained a level of hyperbole and did not reach the threshold required to be regarded as misleading.

The Complaints Board noted the Advertiser said they had been advised by Edmund Hillary’s first climbing coach that Mt Tapuaenuku was Hillary’s first peak, and they had included this in the guide in good faith.

The Complaints Board noted the Advertiser agreed to change the sentence about Mt Tapuaenuku, to describe it as “one of” Edmund Hillary’s first peaks and agreed therefore this aspect of the complaint could be settled.

The Complaints Board was unanimous in its view the advertisement was not likely to mislead or deceive consumers and had been prepared with the requisite sense of social responsibility. The Complaints Board ruled the advertisement was not in breach of Basic Principles 3 and 4 and Rule 2 of the Code of Ethics.

The Complaints Board ruled the Complaint was Not Upheld.

Decision: Complaint **Not Upheld**

DESCRIPTION OF ADVERTISEMENT

The booklet-style visitors guide titled "Visit Picton & Waikawa Bay, Marlborough Sounds NZ" contains advertisements for a number of attractions in the Picton area, including: The Edwin Fox – The World's Oldest Merchant Ship, the local marine reserves and the Queen Charlotte Track.

COMPLAINT FROM P CHAPMAN

Misleading Advertisements and Representations - "Visit Picton & Waikawa Bay, Marlborough Sounds NZ" Visitor Guide"

I wish to complain about the misleading advertising and representations for:

1. The Edwin Fox as contained in the "Visit Picton Visitor Guide" (enclosed) and the associated Visit Picton website (www.visitpicton.co.nz) and the Visit Picton Map.
2. My concern about the Edwin Fox led me to read the Visit Picton visitor guide more carefully and it revealed several more false statements and representations.
3. My complaint is specifically directed at and is made in reliance on the Advertising Code of Ethics (<http://www.asa.co.nz/codes/codes/advertising-code-of-ethics/>). Namely:

Basic Principles 3 and 4; and

Rule 1 (Fair Trading Act 1986) and Rule 4

Background

My friends from Brisbane are avid old ship enthusiasts. I recently visited Picton with my friends and having read the Visit Picton Visitor Guide and seen the map, we paid a visit to the Edwin Fox, excited by the prospect of what we might see.

The Edwin Fox is not what the advertisements had led us to believe. We were misled and underwhelmed. Put bluntly, we were misrepresented as to what we would be seeing. What was promised in the advertising material is not the reality of what actually exists.

Visitors, in my submission to you should be appraised of the true state of affairs.

The "Edwin Fox" is in reality a nice small maritime museum in a mock English building together with the partial hull (hulk) of a wooden ship in a dry dock nearby (see photos attached).

1. **Page 3 Visit Picton Visitor Guide**

The Guide is riddled with factual errors. These are set out below under the following headings which are a cumulative compounding series of egregious errors.

"The Edwin Fox The World's Oldest Merchant Ship..."

The statement "The World's Oldest Merchant Ship" is blatantly untrue.

The Edwin Fox is not a ship as sketch suggest.

The Edwin Fox is simply the hulk/hull of a wooden sailing vessel that has been partially cut up and altered and is now "preserved" under a tin roof. (see photos).

There is no evidence to substantiate the claim. The World's Oldest Merchant Ship..."

Note. There is a sign on the outside of the Edwin Fox shelter saying it is in fact the "9th oldest ship". (see attached photo).

2. **Page 26 Visit Picton visitor guide Advertisement**

Image of a large sailing ship and the words "Edwin Fox 1853"

There is no such ship. It is a hulk and an adjacent museum.

"Explore the decks & depths of the World's Oldest Merchant Ship"

There is no ship to explore. It is a dilapidated hull/hulk.

Where is the proof, "World's Oldest Merchant Ship"?

Please note that there is not one photo or depiction of the actual hull/hulk or what the visitor might see in the advertising material.

The advertising material misrepresents as fancy what one is to actually see.

The advertising material by grossly misrepresenting the true nature of the hulk exhibit goes well beyond puffery and comprises breaches of Rule 1 and Rule 4.

Clearly, and unquestionably in Rule 4 terms the advertising is reckless and socially irresponsible to consumers. It reflects adversely on other tourist venues in Picton as being less than responsible, fair and trustworthy.

3. **The website (www.visitpicton.co.nz) for "Visit Picton & the Marlborough Sounds Visitor Guide" repeats the same misleading claims and images as in the Visitor Guide.**

See: <http://www.visitpicton.co.nz/index.php/what-to-do/the-edwin-fox/>

Other Observations in the Visit Picton visitor guide

Page 2 inside cover. *"With some of the best weather in New Zealand"*

"New Zealand's most beautiful water environment"

"Sir Edmund Hilary's first peak (Mount Tapuaenuku)" Not so. It was Mt Ollivier in 1939, some years before he climbed Mt Tapuaenuku.

Page 4

Where are the substantiations to prove the ... "*and fast become a firm favourite with New Zealanders*". MBIE visitor spend statistics suggest otherwise.

Page 7. To Do List- Marine Reserves

Marine Reserves are not readily accessible as is implied. It is very difficult to visit marine reserves. There is only one at Long Island which requires an expensive private charter and an hours boat ride.

Page 21 "The 70km track". It is actually 71km see official advertisement on page 24.

Page 46. The Map only shows paid for advertisers locations and services and amenities.

The enclosed Visit Picton map has an image of a paling ship and the title The Edwin Fox. I have done some research and it seems that the Visit Picton Visitor Guide and Visit Picton website seem to be owned by Richard Briggs (see back cover of the Guide). It is published by EI (2015) Limited a company owned jointly by Jane and Richard Briggs who live at Wellington Street, Picton.

Jane Briggs owns Evolve boutique (see page 39).

Conclusion

1. The guide and the advertisements contain misleading statements, misleading images and are likely to mislead, misrepresent or deceive consumers (visitors).

The advertising is not fair trading nor is it socially responsible to consumers who pay money to see a ship but end up seeing a dilapidated hulk.
3. The advertisements and statements should be accurate, informative and above all truthful . They are not. The advertising is reckless and negligently made.
4. There are no foot notes, documentary evidence to confirm the various claims. The claims do not appear to have even been verified or checked.
5. The adverts should be corrected, the web site corrected and the brochure and map eprinted.

The situation must be put right.

I do hope that in future other visitors to Picton will not be so blatantly misled and left disappointed.

CODE OF ETHICS

Basic Principle 3: No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer.

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: VISIT PICTON (RICHARD BRIGGS)

For the record

1. I hereby confirm that my wife Jane and I produce the Visit Picton Guide on an annual basis.
2. We have known Peter Chapman professionally for many years through dealings with the Marlborough District Council, The Marlborough Chamber of Commerce and various Marlborough tourism organisations and projects, associated with them.
3. Mr Chapman has in recent months, been in conversation with a group of people in Picton who are presently working through the process of trying to establish a new visitor website & guide for Picton. This guide, should it eventuate, will of course be in direct competition to the Visit Picton Guide. The Visit Picton Guide was established in 2008, representing around 80 businesses in Picton.
4. 5 weeks ago, our website www.visitpicton.co.nz was hacked and shut down for four days.
5. In the last 10 days we have had 'fake profile' people complaining on our Visit Picton facebook page.

To respond to Mr Chapman's complaints and comments

1.0 The Edwin Fox

Reading through the complainants comments on the Edwin Fox Ship, it's clear that much of it is opinion based and that some comments within his complaint are fabricated, so I'll stick to the basic points raised by Mr Chapman.

1.1 The advert and its contents

The Edwin Fox Society advertise in the Visit Picton Guide. Each year they have me layout an advert for them, I create the advert from information supplied by them. The advert is proofed by the Edwin Fox Society prior to being printed & distributed.

1.2 The description

To the best of my knowledge, using information sourced from the internet, the Edwin Fox Society and from books, the Edwin Fox is the 9th oldest Ship in the world, the oldest surviving 'convict' Ship (convict being a term used for Australian prisoners exclusively) and the oldest surviving merchant ship in the world. There is another old ship surviving but it was not used predominantly as a merchant ship and insomuch cannot take claim as the oldest merchant ship today.

Suggested action by Visit Picton should the board require change

To use the word **surviving** within the next print run of the guide.

The Edwin Fox appeared on television on the program Coast New Zealand in 2016. Neil Oliver presenter confirms on the show that the Edwin Fox is the last surviving ship that conveyed soldiers to the Crimean war. It's the last surviving ship that carried convicts to Australia from Britain and the last surviving ship that carried immigrants to New Zealand.

"For me, it's like an Egyptian Pyramid or a Greek Temple or a Stone Circle. This is a survivor from another time and it's a testament to people who have made extraordinary journeys and, in due course, changed the world. And yet there it sits, largely over-looked". See photo below.*

It is also important to note that the Edwin Fox ship is clearly visible from outside of the entrance before you pay to enter the museum. See photo's below.*

1.3 Edwin Fox is not a ship, as the sketch suggests.

The Edwin Fox is 100% a ship and has been recognized as such, by the World Ship Trust. It is one of a handful of ships globally, to be awarded the World Ship Trust Award. Other ships include the Cutty Sark and The Mary Rose in the UK.

Rationale: *If a person loses their arms and legs – they are still a person!

1.4 The Sketch in the advert

The sketch in the advert is actually the Edwin Fox Society's logo for the Ship and Visitor centre and as a logo, it shows the Edwin Fox as it was in its prime. I did not create or have any involvement in the logo design, so I cannot comment further on it.

1.5 Misrepresenting the product on sale

The visit Picton guide advert makes up a small percentage of the Edwin Fox's advertising media. The society have a website packed with information, a Facebook page and many online adverts with companies such as bookme.co.nz. The Visit Picton Guide website shows an actual photo of the ship as she is today and describes the Edwin Fox's current position and condition in plain English. The printed advert also shows an image of the Edwin Fox, as she is today.

As a regular visitor to the Edwin fox ship, I also know that the staff at the visitor center, do a great job of supplying visitors with information on the ship and that they tell visitors that the ship, is a nationally and internationally important ship preservation project.

Again, the advert information is supplied by the Edwin Fox Society.

<https://www.bookme.co.nz/bookings/abel-tasman-nelson-picton/activity/picton-historic-ship-edwin-fox-worlds-oldest-merchant-ship/1534>

2.0 Peter's other observations

Page 2 inside cover

" With some of the best weather in New Zealand"

This is a true statement. Marlborough is nationally recognized, as having some of New Zealand's best weather. The word some is obviously critical.

"New Zealand's Most Beautiful Water Environment"

With 20% of New Zealand's coastline in the Marlborough Sounds, stunning beaches, coves, reserves, rain forests, natural bush, marine reserves, amazing marine life, bird life and some

of New Zealand's best weather, I'll stand by this statement. However, should the board decide that it needs to be changed, we will of course change the phrase in the next print version of the guide.

Suggested action by Visit Picton should the board require change

One of New Zealand's most beautiful water environments

“ Sir Edmund Hilary's First Peak (Mount Tapuaenuku)”

This information was supplied to me by the granddaughter of Harry Ayres, Edmond Hilary's first climbing coach. On looking further at this it would seem that online and in various publications, Mt Oliver is listed as Hilary's first climb / peak. Harry's granddaughter refers to his Tapuaenuku peak as his first officially recorded peak as a mountaineer.

Suggested action by Visit Picton should the board require change:

In light of Peter raising this point, we (Visit Picton) will happily change the sentence in our next print run, to say either,

- One of Edmund Hillary's first Peaks.*
- Edmund Hillary's first peak over 2000 m.*
- the springboard for legendary mountaineer Sir Edmund Hillary's climbing career (Source URL: <https://marlboroughnz.com/guides/walks/mt-tapuae-o-uenuku>)*

Page 4

Mr Chapman wishes us to substantiate and prove...”and fast become a firm favourite with New Zealanders”

As you will see on page 4 of the Visit Picton Guide, this is written within the context of the early twentieth century and insomuch, cannot be compared with current MBIE statistics.
[Recipient Name] [Date] Page 7

We took this information from reading multiple articles and information about Picton's history and by visiting the Picton museum. It is a historical reference taken out of context by Mr Chapman.

Page 7

“Marine Reserves – Accessibility”

We do not discuss accessibility of Marine reserves. We merely suggest that visiting a marine reserve is number 16 of 20 things to do.

Suggested action by Visit Picton –We believe we are correct in this instance and that Mr Chapman's comment is opinion based.

Page 21

Queen Charlotte Track – “The 70km Track”

Queen Charlotte Track is 70.5 kms in length. The official Queen Charlotte Track website states that the track is 70km in length and other publications state that it is 71 kms in length. We accept that we should use one or the other and will do so within the next print run of the guide.

Example: <http://www.qctrack.co.nz/the-track-surrounds/>

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□ **“The Map shows only paid for advertisers locations, services and amenities”**

Our maps do only show our advertisers, as they are the businesses that finance the guide and maps. We do however include all walks, amenities and other essential tourist information.

□ **Visit Picton Map has an image of a paling ship and the title Edwin Fox**

The separate Visit Picton tourist map is designed in the UK and the designer sketched the ship symbol to show where the Edwin Fox is. The purpose of the image is to show a ship that is easily recognizable as a historic ship. In essence it is a symbol or logo.

Mr Chapman’s research into who owns / creates the Visit Picton

As detailed above, Peter Chapman has known us since 2011 at a professional level and he knows full well, that my wife and I produce the Visit Picton Guide. He has attended meetings where myself and my wife were in attendance many times.

Conclusion

1. Should the ASA board deem it appropriate for us to make changes, we will be more than happy to do so in the next print version (Autumn /Winter 2017) and to make the appropriate changes on the website at the earliest convenience?
2. We would like it to be noted that, we (EI (2015) Limited) receive no funding to produce the guide and website and all monies received from the advertisers is used to publish and distribute the guide. Therefor we do not have funds to reprint or make changes to the print version of the guide until the next scheduled print run in August-September of 2017.
3. As discussed on the phone, it has never been our intention to mislead or deceive consumers.

We look forward to hearing from you in due course and hope that this matter can be settled quickly and fairly.

RESPONSE FROM ADVERTISER: EDWIN FOX SOCIETY

The Edwin Fox is run by a professional and expert organisation, the **Marlborough Heritage Trust**, it has charitable status and is an ethical organisation being part of professional organisations such as **Museums Aotearoa** and often receiving expert advice and support from National Services run by **Te Papa**. The ship has Historic Places Trust category 1 listing and has received **an award from the World Ship Trust in London** for a successful preservation project this was presented to us by the **Governor General of New Zealand Sir Jerry Mataperae** over a well-publicised weekend long celebration in 2014.

The Edwin Fox Society was set up in 1965 by a handful of passionate volunteers and has taken many years through much dedication to elevate the Edwin Fox to be the prominent tourist attraction that it is in Marlborough. I advise you to check out our tripadvisor page were we have won 4 certificates of excellence over the last 4 years which means we have had no negative feedback from tripadvisor users. Goggle feedback, Facebook, Rankers and Book me feedback is also excellent which I hope puts to rest the theory we are a disappointment to our industry locally.

It has never been or will ever be the intention to mislead our visitors (which appears to be the underlying impression of Mr Chapman) . In the 50 plus years I believe there has never been a complaint such as this, however we are prepared to acknowledge that a lot of the research here at the museum was done 30 plus years ago before the internet and perhaps some of the facts once stated by the museum are possibly in need of an update. We have many different aspects of the ships history being researched regularly but research does take time and money and we are not a government funded museum. We stand by the following claims at this stage:

- Oldest merchant ship in the world (the Charles Morgan older than us, is in fact a whaler and all other ships are naval frigates)
- Last surviving convict ship that took convicts to Australia
- Last surviving wooden Crimea War troop carrier
- Oldest floating ship before she was dry docked in 1999
- Last wooden immigrant ship that brought immigrants to New Zealand
- Only remaining ship of the Dunbar shipping fleet

We are awaiting confirmation she is the last of this East Indiaman anywhere in the world!

The statement 9th oldest ship in the world that has been used on our outdoor sign (which is at least 10 years old) was part of a list put together with world ship trust in London and our volunteers and it was based on the following criteria.

- Capable of deep water navigation
- Enough of her left to still be called a ship (hence Mary Rose was not on the list)
- Mostly originally
- 3 masted
- Of a certain size (comparable to other vessels).

Link below still shows her as the 9th when you take out Viking ships/ submarine etc. and compare like for like she shows as 20th oldest ship in the world overall.

https://en.wikipedia.org/wiki/List_of_oldest_surviving_ships

We see many Marlburians and indeed New Zealanders through the door each year (around 7000) and this along with the many newspaper articles released locally throughout the last 4 years especially should ensure that everyone in Marlborough is aware of the fact the Edwin Fox is not a fully rigged sailing ship as our logo may apparently suggest to one complainant who has lived in Marlborough for years.

Please see definition of hulk in the link below it still states a hulk is a ship that can float

<http://www.marineinsight.com/types-of-ships/hulk-ships-and-its-types-ships-that-didnt-float/>

Information on The Edwin Fox that is easily accessible and available to the public.

There has been much written about the ship back in the 1960's when the society was first formed and then again in the 1980's when the saving of the ship went into full swing, then the descendants muster at the 150th. More publicity surrounded the ship with the World Ship

Trust ceremony and many articles written over the years in the last 4 years since I have been here there has been approximately 20 articles along with many adverts on the Fox in general. In the past 6 months alone I think there has been around 6 local media stores publicised, it seems strange Mr Chapman had not come across any of these whilst he has lived in Marlborough for many years. Plus there is plenty of information on line that explains exactly what our museum is about.

Of course we have also been filmed by the very popular BBC Coast Show, which has aired twice on NZ televisions, Australian TV and is available on the history channel this is also available for viewing on all Air New Zealand flights into New Zealand. This show is about to be aired in the UK where they see 3 million viewers per episode, the show will also be distributed to around 20 countries in total.

This complaint has encouraged us to look through most of the media and photographs of the Edwin Fox online and on our website and our usual advertising spaces. It appears to us that it is very evident we are not the fully rigged sailing ship it once was, and many photos are in fact showing the ship as it is now!

It seems Mr Chapman is having trouble understanding that we are still a ship...

Edwin Fox was a working ship until well into the 1960's; she arrived in Picton in the late 1800 and was under tow without her rigging (see photos).

This ship was floating up to 1999 when it was dry docked to help preserve ready for a restoration, after the restoration process was put on hold due to funds and it became a preservation project.

Experts in the 1980's confirmed she was still structurally sound. **Jay Lawry Paul Hundley and Ian Macleod** (contact details can be given out if you require).

Dr Ian Macleod corrosion expert from Australia wrote an optimistic report extolling the ships historic values and potential for restoration.

The process for our potential visitor:

If for some reason you have shown up at the museum and wanting to find a fully complete ship it will become obvious before you even set foot in the door that it is not. It is visible over the fence (audio is also constantly playing outside the building). Once entering the museum, staff give you a visitor guide and a brief history of the Fox along with a video that plays on a loop showing the ship (this is before you have paid any money) but if should you still believe the ship is fully rigged, when you then have watched the documentary before heading out to the ship you will very much know what you are about to see. On busy summer and cruise ship days we also have extra staff on hand to help explain the Edwin Fox story!

To note

Although there is a charge to visit the exhibition, the main foyer offers an opportunity to learn and understand the story of the Edwin Fox free of charge.

Customers have access to our paintings gallery showing paintings of every stage of the Edwin Fox long and illustrious career, they can view artefacts and read stories of some of the passengers and staff happy to chat. Even our gift shop offers many opportunities to view the different images of the ship over many years.

From the photographs that Mr Chapman has taken (if there are no others available) it seems he has not actually been on board the ship as these are taken over the gate so his statement about it being a dilapidated hulk is unfair as he has not actually seen it. He would

realize his issue with decks and depths comment is also unfair as we do have decks and depths! He seems to give the impression our exhibit maybe a bit under whelming however this is far from the case and we advise you to read our reviews from genuine visitors.

We have plenty to see and do and explore both on and off the ship including areas that have been re-created such as bunks, convict cells and a cabin.

Photo* below shows some of the interior of the vessels 'dilapidated hulk' I feel is an unfair description, we have many things to do and explore on the ship.

Please see attached scan of our visitor guide explaining the attraction, these are available at most local motels and visitor centres as well as on entry to the museum.

Visit Picton ad

There are in fact two up to date photos showing the hull of the ship in the attachments Peter sent (copies of the visit Picton guide) so what an earth the complaint is really about is beyond me the logo shows the Edwin Fox as it once was a fully rigged sailing ship it even states EDWIN FOX 1853 beneath the logo. The Victory and Vasa and City of Adelaide logos show as fully rigged ships which they are not.

Right: Sir James

Over the years we have been endorsed by many important individuals such as **Sir James Dunbar Nasmith CBE**, patron of the society and past trustee of the World Ship Trust "the conservation of the Fox is a superb example of individuals who appreciate the importance of nautical historic relic".

Neil Oliver, acclaimed archaeologist and host of the long running and one of the most popular UK documentary series, The Coast Show aired in New Zealand 2016.

The past Governor General of New Zealand Sir Jerry Mateparae GNZM QSO "Edwin Fox has been judged to be worthy of recognition as that of some of the world's most well-known historic ships like the Mary Rose, the Cutty Sark and HMS victory. This ship is history in hard copy and a treasure that we should all be proud of now and in the future".

Marlborough Mayor Mr Alistair Sowman (Pictured*).

The Honourable Sir Doug Kidd, an honorary member of the Edwin Fox (pictured*).

The Minister of heritage visited us (2012) as well Helen Clark, Prime Minister (2001).

World Ship Trust Award from our local business community most recent certificate of excellence

Top 10 activity in Marlborough 2015/ 2016 (number 5 on the list).

The ship when it arrived in Picton 1898

With specific reference to Mr Chapman's comments:

Partial Hull (hulk of a wooden ship).

There is a substantial part of the ship that visitors love to explore and the word hulk is used to describe a ship.

The statement the world's oldest merchant ship is blatantly untrue. Where is the proof World's oldest merchant ship. Note there is a sign outside the Edwin Fox shelter saying it is in fact the 9th oldest ship.

We stand by our statement that it is the oldest merchant ship, the Charles Morgan older than us was primarily a whaling ship.

Refer to Wikipedia you will see we still stand around 9th when you compare like for like (not canoes or Egyptian funeral vessels etc).

The Edwin Fox is not a ship as sketch suggests

This is our logo that has been used for 30 years and is indeed a sketch of painting by Gaynor Jackson renowned New Zealand maritime artists, and with the absence of any original photographs of the ship is the most accurate we can be regarding the Edwin Fox in full sail. It states underneath it says Edwin Fox 1853.

There is no such ship it is a hulk and an adjacent museum.

There is no such ship it is a dilapidated hulk.

The advertising is not fair trading nor is it socially responsible to consumers who pay money to see a ship but end up seeing a dilapidated hulk.

A hulk is still considered a ship and there are many opportunities before visitors have paid a fee to discover what they are about to see (suppose technically before they are even a consumer).

....definition of hulk

Hulk (ship type)

From Wikipedia, the free encyclopedia

For the early European coastal craft, see [Hulk \(medieval ship type\)](#).

Not to be confused with [scow](#) or [barge](#).

A **hulk** is a [ship](#) that is afloat, but incapable of going to sea. Although sometimes used to describe a ship that has been launched but not completed, the term most often refers to an old ship that has had its [rigging](#) or internal equipment removed, retaining only its flotation qualities. The word "hulk" is also used as a verb: a ship is "hulked" to convert it to a hulk. The verb was also applied to crews of Royal Navy ships in dock, who were sent to the receiving ship for accommodation, or "hulked".^[1]

Although the term "hulk" can be used to refer to an abandoned wreck or shell, it is much more commonly applied to hulls that are still performing a useful function. In the days of sail, many hulls served longer as hulks than they did as functional ships. Wooden ships were often hulked when the hull structure became too old and weak to withstand the stresses of sailing.

More recently, ships have been hulked when they become obsolete or when they become uneconomical to operate.

Please note that there is not one photo or depiction of the actual hull/ hulk or what the visitor might see in the advertising material...

Yes there is, Mr Chapman may not be aware of what a 163 year hull of a wooden ship looks like.

We are currently working on a 3D digitisation project of the Edwin Fox to help visitors understand how to interpret what remains of her, our goal is to educate and inform.

The advertising material by grossly misrepresenting the true nature of the hulk exhibit goes beyond puffery and comprises breaches of rule 1 and rule 4. Clearly and unquestionable in rule 4 terms the advertising is reckless and socially irresponsible for consumers. It reflects adversely on other tourist venues in Picton as being less responsible, fair and trustworthy.

We are assuming since the complaint is mainly directed at Visit Picton Guide this statement refers to them, if it is directed at us in particular we feel there is cause to challenge his

claims. Mr Chapman is clearly not able to judge the nature of the Edwin Fox experience because he has not actually come on board to experience what we offer.

There are no foot notes or documentary evidence to confirm the various claims. The claims do not appear to have been verified or checked.

Advertising space is small and we consider the key words needed for the ad. We have great faith in the Visit Picton guide who plays who we have advertised with for many years now. We have 'mountains' of research on the Edwin Fox that has been ongoing since the 1960's.

I do hope that in the future other visitors to Picton will not be so blatantly misled and left disappointed.

In the past 4 years I have worked here as the managers I have never come across a dissatisfied or misled visitor and believe our tripadvisor ratings prove this.

I would advise as this is a specialist area re maritime archaeology I would suggest Mr Chapman who clearly is not a maritime archaeologist, his opinion does not hold any weight and perhaps he needs to focus on his own area of expertise?

I personally believe Mr Chapman after living many years in Marlborough would be well aware of the Edwin Fox project and perhaps has ulterior motive in making these claims.

I would love to invite Mr Chapman for a free personal tour of the Edwin Fox so he can learn and better understand the Edwin Fox project.

Useful links:

<https://www.bookme.co.nz/bookings/abel-tasman-nelson-picton/activity/picton-historic-ship-edwin-fox-worlds-oldest-merchant-ship/1534>

https://www.google.co.nz/?gws_rd=ssl#q=google++edwin+fox+reviews

The above link opens many options, rankers, tripadvisor etc.

<http://www.nzmaritime.co.nz/edwinfox.htm>

https://www.google.co.nz/?gws_rd=ssl#q=marlborough+express+edwin+fox&start=0

Above lists many of the articles released on Edwin.

Above some of the collection of images we regularly use.

We are very much aggrieved and feel the complaint is unjustified to the ASA.

I do hope my reply has clarified the situation and has help show we are a well respected and trusted exhibition and this will be the end of the matter if we can be of further help please don't hesitate to contact us we intend to continue running our museum in manner best for our visitors, ensuring they have a memorable, educational, authentic enjoyable and fulfilling experience.

We have enlisted the help of a maritime expert's point of view to report on the history of The Edwin Fox as part of this reply, please see attachment.

Note:

Visit Picton guide and website is a great asset for our small town and Jane and Richard have worked tirelessly over the years to help promote Picton as a Marlborough destination

and have also volunteered their time to help local entity's be the best they can be, ourselves included. They should be commended on their passion for Picton.

**photos supplied*