

<b>COMPLAINT NUMBER</b>	17/226
<b>COMPLAINANT</b>	C. Pratt
<b>ADVERTISER</b>	Dick Smith Electronics
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	14 August 2017
<b>OUTCOME</b>	Settled

**Advertisement:** The Dicksmith website ([www.dicksmith.co.nz](http://www.dicksmith.co.nz)) promoted the Kogan DAB+ Digital Radio Converter by stating "Turn your existing car radio into a digital radio and enjoy hundreds of crystal clear digital radio stations while you drive."

**The Chair ruled the complaint was Settled.**

**Complainant, C. Pratt, said:** "This advertisement promote a DAB+ digital radio converter and claims 'Turn your existing car radio into a digital radio and enjoy hundreds of crystal clear digital radio stations while you drive.' This contravenes Basic Principle 3 'No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer' because in New Zealand there are only two areas in which digital radio is broadcast, and there are only 3 or 4 channels. The radio converter will only work in a small part of New Zealand and will not receive "hundreds" of stations."

**The Advertiser, Dicksmith, said, in part:** "The Kogan DAB+ Digital Radio Converter has been deactivated and removed from sale on both [dicksmith.co.nz](http://dicksmith.co.nz) and [kogan.co.nz](http://kogan.co.nz). We sell products on the Dick Smith and Kogan websites in both Australia and New Zealand, and the statement "*Turn your existing car radio into a digital radio and enjoy hundreds of crystal clear digital radio stations while you drive*" was an oversight by our website content team. Whilst this statement holds true in Australia, it was not accurate within New Zealand, but at no stage was their any intent to deceive or mislead our customers, but rather this was human error and an oversight... The Kogan DAB+ Digital Radio Converter has now been re-listed on both the Kogan and Dick Smith websites with updated descriptions.

<https://www.dicksmith.co.nz/dn/buy/kogan-dab-car-radio-converter/>

<https://www.kogan.com/nz/buy/kogan-dab-car-radio-converter/>

We have also added this disclaimer to each listing:

Please note: digital radio is currently only available in limited areas of New Zealand. Visit [www.worlddab.org/country-information/new-zealand](http://www.worlddab.org/country-information/new-zealand) to find out if digital radio is available in your area."

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

**The Chair** noted the concerns of the Complainant the advertisement was misleading as the product could only be used in a small part of New Zealand and would not receive "hundreds" of digital radio stations.

The Chair noted the response from the Advertiser which explained the website was based on the Australian copy that was not relevant to New Zealand, which was an oversight. On learning of the complaint, the Advertiser made amendments to better reflect the limited nature of the product and included a link for consumers to see whether digital radio was available in their area.

Given the self-regulatory actions of the Advertiser and their cooperative engagement in amending the advertisement, the same action required if the complaint was Upheld, the Chair said it served no further purpose to place the matter before the Complaints Board and ruled the complaint was Settled.

**Chair's Ruling:** Complaint **Settled**