

<b>COMPLAINT NUMBER</b>	19/007
<b>COMPLAINANT</b>	M Beckett
<b>ADVERTISER</b>	Toyota
<b>ADVERTISEMENT</b>	Toyota, Digital Marketing
<b>DATE OF MEETING</b>	12 February 2019
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The Toyota website advertisement, [www.toyota.co.nz](http://www.toyota.co.nz), states in part: “All Toyota Genuine Parts come with a 2 year warranty. They are designed and manufactured to Toyota’s exacting standards. They will give thousands of kilometres of trouble-free motoring. All Toyota Genuine Parts maintain the integrity of your vehicle, keeping your Toyota 100% genuine....”

The Complainant said the reference in the advertisement that states genuine parts are made with ‘exacting standards’ is misleading. In their experience when replacing a part for a manual transmission model it only had half the splines on the internal bore. Therefore, the Complainant said the parts were not made with a lot of skill or care or to ‘exacting standards’.

The Advertiser clarified its reference to exacting specifications and that genuine parts are specifically designed, manufactured and tested for Toyota vehicles.

The Advertiser confirmed the replacement parts are the same as the parts used for new production cars. The Advertiser said the part at the centre of the complaint is the genuine part used for new cars and noted that over time as technology evolves and design opportunities arise the Advertiser may supersede a part with another.

The Complaints Board agreed the statement that all parts are made to exacting standards was not misleading. The Board agreed the likely consumer takeout of the claim was that parts were made to the exact specifications required for Toyota cars.

The Complaints Board was unanimous in its view that the Advertiser had substantiated the use of the term ‘exacting standards’. The Board said the advertisement was unlikely to mislead or confuse consumers and was not in breach of Principle 3 or Rule 2 of the Code of Ethics.

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 3 and Rule 2 of the Code of Ethics.

Basic Principle 3 required the Complaints Board to consider whether the advertisement could be considered misleading or deceptive or likely to mislead or deceive the consumer.

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 reference in the advertisement that states genuine parts are made to 'exacting standards' is misleading. In their experience when replacing a part for a manual transmission model it only had half the splines on the internal bore. Therefore, the Complainant said the parts were not made with a lot of skill or care or to 'exacting standards'.

### **The Advertiser's Response**

The Advertiser clarified its reference to exacting specifications and that genuine parts are specifically designed, manufactured and tested for Toyota vehicles.

The Advertiser confirmed the replacement parts are the same as the parts used for new production cars. The Advertiser said the part at the centre of the complaint is the genuine part used for new cars and noted that over time as technology evolves and design opportunities arise the Advertiser may supersede a part with another.

### **The Complaint Board Discussion**

The Complaints Board reviewed the advertisement, the complaint and the response from the Advertiser.

As in all cases, the Complaints Board said that where a claim in an advertisement was challenged by a Complainant, the onus fell on the Advertiser to provide the substantiation for that claim. The Complaints Board also reiterated its stance that it was not an arbiter of scientific or technical fact nor was it within its jurisdiction to rule on a service issue. Instead, its focus was to consider the likely consumer take out of an advertisement rather than the absolute technical legitimacy of a claim.

#### *Consumer Takeout*

The Complaints Board said the likely consumer takeout of the advertisement was that using a genuine Toyota part will give a better result than using imitation parts. The Board said the advertisement warned consumers that non-Toyota parts may look the same but are not made to Toyota's exact specifications.

The Complaints Board noted the definition of the word 'exacting' in the Cambridge Dictionary was "demanding a lot of effort, care or attention."

The Complaints Board agreed the statement in the advertisement that Toyota parts are made to exacting standards was not misleading. It considered the key message promoted

genuine parts as being a better choice than imitation parts. It noted that the Advertiser was prepared to provide the customer a two year warranty to support its genuine parts.

The Complaints Board noted the Complainant had an issue with the quality of a particular part and in its view this matter was a service issue and outside its jurisdiction, rather than a misleading claim in an advertisement. The Board noted in its response the Advertiser said they will further investigate the partial splines issue raised by the Complainant.

The Complaints Board was unanimous in its view that the Advertiser had substantiated the use of the term 'exacting standards'. The Board said the advertisement was unlikely to mislead or confuse consumers and was not in breach of Principle 3 or Rule 2 of the Code of Ethics.

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

## DESCRIPTION OF ADVERTISEMENT

The Toyota website advertisement, [www.toyota.co.nz](http://www.toyota.co.nz), states in part: "All Toyota Genuine Parts come with a 2 year warranty. They are designed and manufactured to Toyota's exacting standards. They will give thousands of kilometres of trouble-free motoring. All Toyota Genuine Parts maintain the integrity of your vehicle, keeping your Toyota 100% genuine...."

## COMPLAINT FROM M BECKETT

Toyota NZ state in their advertising that their Genuine Parts meet "exacting standards". However after having to take apart my vehicles gearbox on the lawn and seek replacement parts I've found that this claim by ToyotaNZ is not true. Many Landcruisers, Hiluxs and Prados suffer from Toyota spare parts for their manual transmissions models which are made with splines on only half of their internal bore. Any engineer, even a child who has a meccano set, knows that a gear that has only half its amount of teeth on it that it should have, is incomplete and thus manufactured to a very poor standard- even made to fail prematurely. It is not acceptable for New Zealanders to be putting such poorly designed replacement parts into their vehicles yet also being told by Toyota NZ their spare parts have "exacting standards".

Therefore, Toyota NZ stating that their Genuine Parts meets "exacting standards" is a breach of rule 2(b) truthful presentations as their parts are not made with a lot of skill and care.

## CODES OF PRACTICE

### CODE OF ETHICS

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

**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, TOYOTA NEW ZEALAND**

Thank you for providing the information relating to the above complaint.

The basis of M Beckett's claim appears to be that Toyota Genuine Parts do not meet 'exacting standards' as advertised.

Toyota New Zealand Limited refutes M Beckett's claim in its entirety.

1. Toyota Genuine Parts 'are made to Toyota's exacting specifications.' This means that Toyota Genuine Parts are specifically designed and manufactured for Toyota vehicles and comply with Toyota Motor Corporation's engineering and testing standards.
2. The Toyota Genuine Parts sold as spare parts (service parts), are the same as those supplied for vehicles at production.
3. The dimensions, machined tolerances and material specifications are indistinguishable between service and production parts.
4. Further, Toyota vehicles are designed and built using the well-recognised Toyota Production System which is underpinned by a philosophy of continuous improvement. These principles are applied to both the manufacture of the vehicle itself, as well as the components and sub-assemblies.
5. The part that is the subject of Mr Beckett's complaint was, and is, manufactured according to the specifications outline above.
6. The vehicle M Beckett refers to in the complaint is a Toyota Prado from production 1999/2000. It has travelled approximately 600,000km. It is natural that parts will eventually fail with time and use, and we are confident this is what has occurred in this instance.
7. We have not received any similar complaints regarding the reported condition for similar models and considering the age and kilometres travelled by M Beckett, it is not unreasonable to expect that any component on his vehicle may require major service repair.
8. Attached to this document is a picture of part number 33362-60031, which is the part we have in our Palmerston North warehouse available to Authorised Toyota Dealerships for customers.
9. Regarding the design specification, this is commercially sensitive engineering documentation which would never be shared outside of the design/manufacturing group within Toyota Motor Corporation. All parts are designed to be sufficiently durable to provide a reasonable service life based on normal usage conditions; anything less would be costly and potentially harmful to our brand.
10. Based on the above, our claim of exacting standards is not misleading or deceptive and does not breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

Toyota New Zealand would like to take this opportunity to note that further investigation of M Beckett's complaint has found that Toyota Genuine Part number 33362-60031 has more splines (attached image), than the photo Mr Beckett provided to us. We do note that originally his vehicle was produced with part number 33362-60030 which had partial splines,

(the part design at the time). As technology evolves and design opportunities arise, Toyota Motor Corporation may supersede a part.

Toyota New Zealand are keen to further investigate why M Beckett's part, that they believe is 33362-60031, is different to the same numbered part we hold and will do so outside of this enquiry.

**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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.