

<b>COMPLAINT NUMBER</b>	19/015
<b>COMPLAINANT</b>	A Fitz-Gerald
<b>ADVERTISER</b>	3M
<b>ADVERTISEMENT</b>	3M Command Brand
<b>DATE OF MEETING</b>	28 May 2019
<b>OUTCOME</b>	Not Upheld

## SUMMARY

### **Advertisement 1 -Television Advertisement**

The television advertisement shows a woman hanging a picture on the wall, then removing the adhesive strips and rehangng the picture and says in part: “Command picture hanging strips come off cleanly without harming your wall.” Supers are shown on screen which include: “Follow application instructions on pack” and “Follow removal instructions on pack.”

### **Advertisement 2 - Website**

The website advertisement says in part: “damage-free hanging surfaces. Forget about nails, screws, tacks or messy adhesives! Command Products provide an easy, affordable way to decorate and organise your home, school and office. Holds strongly, Damage-free handing, Easy to apply, Easy to remove, Works on a variety of surfaces. “The remainder of the website contains instructions of use and removal and instructional videos including what to do if the removal tab breaks.

The Complainant said that despite adhering to instructions and weight limits the products have damaged walls on 3 occasions. They say the website and television advertisements are making false claims

The Advertiser said the damage indicated the adhesive strips had been pulled off in wrong way from the wall. The Advertiser provided links to the instructions located on the website which consumers should follow when applying and removing the adhesive strips. These include trouble-shooting videos with instructions of what to do if the removal tab is broken. The Advertiser also said supers were used on the television advertisement to ensure instructions were followed.

The Complaints Board said the Advertiser had provided adequate substantiation for the claims made in both advertisements. The Complaints Board said the website and television advertisements were not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

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 complaint with reference to Principle 2 and Rule 2(b) of the Advertising Standards Code.

Principle 2 required the Board to consider whether the advertisement was truthful, balanced and not misleading.

Rule 2(b) required the Board to consider whether the advertisement was misleading or likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**The Complaints Board ruled the complaint was Not Upheld.**

### **The Complaint**

The Complainant said that despite adhering to instructions and weight limits the products have damaged walls on 3 occasions. Therefore, the website and television advertisements are making false claims. The Complainant provided photo evidence of the damage to the walls.

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

The Advertiser reviewed the complaint and evidence provided and said the damage indicated the adhesive strips had been pulled off incorrectly from the wall. The Advertiser provided links to the instructions located on the website which consumers should follow when applying and removing the adhesive strips. These include trouble-shooting videos with instructions of what to do if the removal tab is broken.

The Advertiser said the television advertisement contains on-screen information on the application and removal sequences to alert consumers to the need to use appropriate procedures

### **The Complaints Board Discussion**

#### *Preliminary Matters*

The Chair of the Complaints Board noted the ASA Secretariat had facilitated communication between the Complainant and the Advertiser to see whether the complaint could be resolved informally. The parties did not reach a resolution, so the matter was heard by the Complaints Board.

The Chair confirmed the ASA does not have jurisdiction to consider product packaging, nor the efficacy of a product. Therefore, she said the Complaints Board would focus on the claims made in the advertisements and whether the Advertiser had provided sufficient substantiation in relation to the claims.

### **Advertisement 1 – Television Advertisement**

#### *Consumer Takeout*

The Complaints Board began by discussing the likely consumer takeout of the advertisement and agreed it was by following the instructions correctly, you could can apply and remove the product without damaging the wall.

*Is the advertisement misleading to claim the product does not harm walls?*

The Complaints Board discussed whether the claims made in the advertisement were truthful and if consumers were likely to be misled. The Board said it was clear that in order to avoid damage to walls, it was essential consumers follow the instructions on the packaging and take note of the supplementary instructions on the company's website. The supers which feature during the application and removal sequences of the advertisement reinforce this point and the Complaints Board agreed the Advertiser had taken sufficient steps to alert consumers to the care required, within the 30 second advertisement.

The Complaints Board said the television advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

**Advertisement 2 – The Website***Consumer Takeout*

The Complaints Board said the likely consumer takeout of the website advertisement is following the instructions and information videos, the product can be applied and removed without damaging the wall.

*Is the advertisement misleading to claim the product does not harm walls?*

The Complaints Board said the website contained a lot of information and instructions in diagram and video format. It said the level of detail provided would alert consumers to how important it is to use the product in the correct way. The Complaints Board said the Advertiser had provided consumers with information in order to minimise the risk of any harm to walls.

The Complaints Board noted the negative experience the customer had with the product but said the website advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

In summary, the Complaints Board said the Advertiser had provided adequate substantiation for the claims made in both advertisements.

The Complaints Board unanimously ruled the complaint was Not Upheld.

**DESCRIPTION OF ADVERTISEMENT****Advertisement 1 -Television Advertisement**

The television advertisement shows a woman hanging a picture on the wall, then removing the adhesive strips and rehanging the picture and says in part: "Command picture hanging strips come off cleanly without harming your wall." Supers are shown on screen which say "Follow application instructions on pack" and "Follow removal instructions on pack."

**Advertisement 2 - Website**

The website advertisement says in part: "damage-free hanging surfaces. Forget about nails, screws, tacks or messy adhesives! Command Products provide an easy affordable way to decorate and organize your home, school and office. Holds strongly, Damage-free hanging, Easy to apply, Easy to remove, Works on a variety of surfaces. "

The remainder of the website contains instructions of use and removal and instructional videos including what to do if the removal tab breaks.

**COMPLAINT FROM A FITZ-GERALD**

This product is marketed as damage free to walls and surfaces. I have used this product three times while adhering to instructions for install and removal and weight limits.

All three occasions have left my walls damaged to a cost of \$500.

The painter decorator who came to fix the walls says he has to fix walls weekly in rental properties in the area we live because of this product and agrees they do not match up to the claims made.

Online reviews for the product are very mixed with many complaints about damage to walls even though instructions have been followed.

I believe it is false advertising and an independent review of the product conducted to verify claims made online and on TV.

### ADDITIONAL INFORMATION FROM COMPLAINANT

What was the exact name of the product that you used?

Picture hook hanger item 1 – see attached photo product code 17043

Decorating clips item 2 – see attached photo product code 17026CLR-40

·What wall surface did you attach this to?

Painted, gib stopped wall – painted 1 year ago. Items were hung in a hall way and were not in direct sunlight. Item 2 was only on the walls for 48 hours.

What item were you hanging? – (approx. weight)

Item 1: 32x52 Picture weighing 1.1 kg (measured with scales) see attached photo

Item 2: Decorative card with a thin wire weighting approx. 11 grams

Did the damage to your wall occur at the time of hanging or when you tried to remove it?

Damaged occurred at time of removal. Please note, we followed the instructions for removal stringently as had already had issues with item 1 and therefore did not want to repeat. We watched the YouTube video on their website and read the instructions on the back of the package.

### CODES OF PRACTICE

#### ADVERTISING STANDARDS CODE

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b): Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

#### RESPONSE FROM ADVERTISER, 3M COMMAND

A basic, neutral description of the advertisement	3M New Zealand's Command™ brand handy hints webpage, surfaces section describing that Command Hooks can be used on surfaces such as painted/varnished wood, metal, tile, painted plasterboard and glass. The claims are that Command Hooks 1) Hold Strongly, 2) Damage-free Hanging, 3) Easy to apply, 4)
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	<p>Easy to remove and 5) Works on a variety of surfaces.</p> <p>The remainder of the page contains instructions of use and removal, and instructional videos.</p>
Date advertisement began	11th December 2017
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	<p>3M New Zealand's website</p> <p><a href="https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces">https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces</a></p>
Is the advertisement still accessible – where and until when?	<p>Yes, the website is still active.</p> <p><a href="https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces">https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces</a></p>
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	<p>Refer to website link:</p> <p><a href="https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces">https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces</a></p>
Who is the product / brand target audience?	Consumers of the Command™ product.
Clear substantiation on claims that are challenged by the complainant.	We can confirm that we have laboratory data that fully substantiates the above claims. All test procedures, practices and data are confidential to 3M.
<b>For Digital advertisements:</b>	
What platform tools have you used to target your audience?	<p>3M New Zealand's Command™ Brand website.</p> <p><a href="https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces">https://www.commandbrand.co.nz/3M/en_NZ/commandnz/hooks-strips/#surfaces</a></p>

#### **FURTHER RESPONSE FROM ADVERTISER**

My technical team has reviewed the photos from the consumer. The photos show two types of damage. The first one which resulted in the paper being exposed on the wall. The second photo shows damage which resulted in the paint coming off the underlying layer. In both cases, the shape of the damage indicate that the adhesive strips were likely to have been

pulled in the direction away from the wall during removal, causing the damage to take a shape that is more round in appearance, compared to the rectangular shape of our Command adhesive strips.

One of the questions that came up was whether the Command adhesive strip was pulled too quickly, causing it to break and the consumer then used a scraper or had peeled the remaining adhesive strip off the wall, thus causing damage. Is it possible to confirm this with the consumer or to obtain photos of the actual adhesive strip that they removed from the wall with the damage so that we can identify what happened? I understand that they may have discarded the strips since then, but I thought I would ask anyway as it would help identify the step that was different to our instructions.

We are also ready to speak to the consumer if they consent to us contacting them. Our goal is to help the customer have a successful experience with Command, so this is important to us.

At this time, our review of the photos indicate that something different had happened compared to our instructions on our website and product packs as explained above. Hence we won't need to change our earlier response to complaint 19/015.

#### **RESPONSE FROM ADVERTISER REGARDING TELEVISION ADVERTISEMENT**

With regards to our Command TVC's, we have always been very careful to place a 'super' on the application & removal sequences within our commercials to draw attention to the fact that the appropriate application & removal procedures need to be followed when using Command products

In the application sequence, the super reads "**Follow application instructions on pack**"

In the removal sequence, the super reads "**Follow removal instructions on pack**"

I've attached screengrabs of the Command Picture Hanging TVC off my laptop to show placement of these supers for your reference

Given the nature of 30 second TVC's, it's impossible for us to cover off in fine detail the full application & removal instructions, hence the reason why we add the supers – to encourage consumers to read the application and/or removal instructions on the back of the pack before using Command or before removing Command from the wall

#### **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.