

<b>COMPLAINT NUMBER</b>	19/198
<b>COMPLAINANT</b>	W Prouse
<b>ADVERTISER</b>	Samsung Electronics New Zealand Limited
<b>ADVERTISEMENT</b>	Samsung, Television
<b>DATE OF MEETING</b>	25 June 2019
<b>OUTCOME</b>	Not Upheld No Further Action Required

### **Description of Advertisement**

The television advertisement for the Samsung QLED 8K TV says in part “Reality is in the detail, it’s the world you know with a depth you’ve never seen before....See the world anew, with technology that enhances the quality of any picture.”

### **Summary of the Complaint**

The Complainant said the advertisement was misleading because no programmes, DVD’s or sports events are broadcast in 8K in New Zealand, therefore consumers cannot benefit from the new technology.

### **Issue Raised**

- Truthful Presentation

### **Summary of the Advertiser’s Response**

The Advertiser said the level of detail and resolution of the 8K TV’s is the result of 4 times more pixels than the 4K models. The 8K TV’s also contain AI algorithms which up-scale source content that is less than 8K to ‘enhance the quality of any picture’, making the statement truthful.

The Advertiser confirmed the Samsung 8K is a Smart TV which allows for the streaming of 8K content from a variety of sources. It said Smart TV technology is not new and as such consumers would not be misled.

### **Summary of the Media Response**

The Commercial Approvals Bureau deferred to the Advertiser to respond on the technical elements of the complaint. It referred to precedent Decision 19/065 in which the Complaints Board agreed that consumers purchasing high-end expensive products are likely to undertake a reasonable amount of research and would be highly informed consumers.

### **Summary of the Complaints Board Decision**

The complaint that the advertisement about the 8K Samsung Television was misleading was Not Upheld because Samsung Electronics New Zealand Limited provided adequate substantiation to support the claim made in the advertisement that the 8K TV would enhance the quality of any picture.

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

## Relevant ASA Code of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following code:

### 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.

### Relevant precedent decision

In considering this complaint the Complaints Board referred to the precedent Decision 19/065 which was Not Upheld by the Complaints Board.

**Decision 19/065** concerned a Spark NZ and Apple television advertisement in which the Complainant said the black 'notch' at the top of the device is purposely concealed from the consumer making the advertisement misleading. The Complaints Board said the advertising was not misleading because when purchasing a product in this price range, most consumers would be likely to undertake a reasonable amount of research before making a purchase decision.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

### Complaints Board Discussion

#### *Preliminary Matter*

The Complainant referred to the LG OLED television advertisement in the complaint. The ASA Secretariat sourced the copy of the advertisement for the LG-OLED which did not reference the 8K quality resolution issue. Therefore, the focus of the Complaint Board's discussion is the Samsung 8K TV advertisement.

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout is the advertisement promotes a new television which has advanced picture quality technology.

The Board confirmed the product on offer is a television with a starting price of \$10,000 for a 65" version rising to \$89,000 at the top of the range. The Board said the likely audience for this product would be consumers with a high discretionary income and early adopters of cutting-edge technology products.

#### *Is the claim 'enhance the quality of any picture' misleading?*

The Complaints Board said the Advertiser substantiated the picture quality claim in the advertisement. The Board said the increased pixel density and the artificial intelligence (AI) algorithms which up-scale source content less than 8K supported the Advertiser's claim the television "enhances the quality of any picture."

*Can consumers benefit from the 8K technology in terms of content?*

The Complaints Board said the streaming capabilities of Smart TV's allowed 8K content to be sourced from a variety of platforms and most consumers in the market for a television of this quality would be familiar with such streaming services.

The Complaints Board agreed the target market for the high-end product would be well informed about the cutting-edge technology being offered in the advertisement and be aware that 8K content is not currently the industry standard broadcast in New Zealand.

The Complaints Board unanimously ruled the claims made in the advertisement were substantiated and consumers were not likely to be misled. The Board said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standard Code.

**Outcome**

The Complaints Board ruled the complaint was Not Upheld.

No further action required.

**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.

## APPENDICES

1. **Complaint**
  2. **Response from Advertiser**
  3. **Response from Media**
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### Appendix 1

#### COMPLAINT FROM W PROUSE

TV1 & TV3 are broadcasting a TV commercial saying that you should purchase their Samsung or LG OLED TV with 8K quality resolution “ for reality of colour & resolution quality”

Fact : NZ TV programmes are not broadcast in 8K resolution quality, therefore no point in purchasing the TV.

Fact : DVDs are not available in 8K resolution quality, so you cannot view any 8K resolution quality images.

Fact : There are no 8K DVD players capable of playing any 8K DVDs, if there were such a thing.

Fact : Live Sports broadcasts are not filmed or broadcast in 8K quality resolution signal, therefore, there is no reason to purchase an 8K resolution TV in NZ as there is no 8K resolution quality images able to be displayed on their 8K TV.

Fact : There are no programmes broadcast in 8K, nor will there be any for at least 5 years.

So : The “ Reality of Fact “ is they are advertising a product for sale to potential consumers, that the consumer cannot get any real benefit from, therefore their TV commercial is very misleading to the consumer and therefore should be re-worded or taken off air.

I'm sure the ASA, should ban the advertising or promoting of products to the consumer, that are of no use to the consumer, when they promote this 8K resolution quality which the consumer cannot use, or get the benefit from.

### Appendix 2

#### RESPONSE FROM ADVERTISER, SAMSUNG ELECTRONICS NEW ZEALAND LIMITED

##### Re: Samsung New Zealand Television Response to Complaint 19/198

1. Thank you for your email of 27 May 2019 to Samsung Electronics New Zealand Limited (“**Samsung**”) outlining complaint 19/198 (the “**Complaint**”) received from W Prose (“**Complainant**”) regarding Samsung’s 8K Television advertisement (the “**Advertisement**”).
2. Having reviewed the Compliant, Samsung is uncertain of the source content of the Advertisement in the Complaint as the Samsung 8K QLED television commercial has no mention of “LG OLED TV with 8K quality resolution”. If possible we would like to

ascertain more details around the complaint, specifically where the advertisement was seen and who it was presented by.

3. To assist the ASA, Samsung responds to the allegations based upon the current Samsung 8K television advertisement playing on television to the public (“**Samsung 8k Advertisement**”). Samsung disputes that either Samsung 8K Advertisement, or the Complaint as presented to Samsung, breaches the Advertising Standards Code - Principle 2, Rule 2 (b) Truthful presentation Guidelines, which states:

*“**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.”*

**Verbatim transcript of the Samsung 8K Advertisement:**

*Reality is in the detail, it's a world you know, with a depth you've never seen before.  
It's losing yourself in the realm without limits, or one single detail that eclipses it all.  
See the world anew, with technology that enhances the quality of any picture.  
The new Samsung QLED 8K.  
Upgrade to reality.*

4. The Samsung 8K Advertisement is truthful and accurate as the Samsung QLED 8K TV features a new level of detail and resolution which consumers haven't seen before. Our Samsung 8K TVs boast a resolution of 7680 pixels x 4320 pixels, containing 33 million pixels per panel. The resolution on Samsung 8k televisions features four times more pixels than a 4K UHD TV. It's this new pixel density which creates a picture and depth not experienced before. 8K is a big leap forward in pixel density and picture quality, especially as more consumers are seeking larger screen TVs (65" and above).
5. Samsung's 8K televisions also contain artificial intelligence (“**AI**”) algorithms, Samsung 8K which up-scales source content that is less than 8k to 'enhance the quality of any picture.' The Samsung 8K Quantum Processor recognises and refines any type of source content, whether it's from a streaming service, set-top box, HDMI, USB or even mobile. This is the material claim in the advertisement and which the Complaint seems to have missed.
6. The Complaint contains a number of “Facts” which do not relate to the Samsung 8K advertisement or the actual status of technological development of 8K resolution and these are addressed as follows:
  - a. **Fact:** *NZ TV programmes are not broadcast in 8K resolution quality, therefore no point in purchasing the TV.*

Samsung 8K QLED televisions are 'smart' televisions, which means they are able to play 'streamed' programmes but downloading content from the internet. Streaming from the internet allows users to download applications which enable users have access to New Zealand Programmes such as TV1 and TV3 'on-demand' along with many movie streaming services. There are many apps available and some of these providers are based overseas. Streaming services like video sharing sites YouTube and Vimeo and Japanese broadcaster NHK provide 8K content. NHK filmed the Rio Olympics 2016 in 8K and will also do so for the 2020 Olympics. Other well-known streaming services also offer, or will offer, 8K and movies such as Mortal Engines, which Peter Jackson was involved in, filmed in 2018 are also in 8K

- b. **Fact:** DVDs are not available in 8K resolution quality, so you cannot view any 8K resolution quality images.
- c. **Fact:** There are no 8K DVD players capable of playing any 8K DVDs, if there were such a thing.

In response to 'Facts' b. and c. please refer to the point above about Samsung 8K QLED televisions being 'smart' televisions. While this Complainant may be confused about the scope of offering of a smart television, Samsung does not believe that smart television technology is 'new' and as such does not believe that the general public, or naïve users, would be misled about this. Furthermore, as stated in paragraph 5, Samsung's AI means that the DVD picture shown on the 8K television would be enhanced above the original source – making Samsung's statement truthful and accurate.

- d. **Fact:** Live Sports broadcasts are not filmed or broadcast in 8K quality resolution signal, therefore, there is no reason to purchase an 8K resolution TV in NZ as there is no 8K resolution quality images able to be displayed on their 8K TV.
- e. **Fact:** There are no programmes broadcast in 8K, nor will there be any for at least 5 years.

In response to 'Facts' d. and e. please refer to the point above about NHK, streaming services and paragraph 5 on Samsung's AI upscaling algorithms.

7. Samsung acknowledges that currently 8K content is not the industry standard, but that's normal for cutting edge technology and Samsung is proud to be able to offer our customers this technology. For this reason, Samsung is careful to point out our upscaling technology. Improved upscaling makes all source content look better, especially on larger screens. Samsung's AI and machine learning upscaling aims to bridge the resolution gap between HD, 4K and 8K TVs and the video actually available today.
8. Samsung strongly refutes the allegation that the television commercial is misleading and seeks for the Complaint to be dismissed. We believe the new Samsung 8K QLED Television offers consumers a marked improvement in the picture quality and depth of any content they choose to watch.

### Appendix 3

#### RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

##### SAMSUNG TELEVISION ADVERTISEMENT

COMPLAINT: 19/98

KEY: SAM0204/30/1

RATING: G

We have been asked to respond to this complaint under the following codes:  
Advertising Standards Code – Principle 2, Rule 2(B);

CAB approved this Samsung QLED commercial on 05/04/19 with a 'G' general classification.

The complaint about representation of the advertised product is very technical, so CAB for defer to the advertiser for those specific details.

In support of the advertiser, CAB would like to table Complaint 19/065, which dealt with the presentation of an iPhone device. In particular, the Board offered the following:

The Complaints Board agreed the advertisement was not misleading. This is because when purchasing a product in this price range, most consumers would be likely to undertake a reasonable amount of research before making a purchase decision. *Most consumers would be likely to look at the product itself and study the product specifications.* [emphasis is CAB's]

The Samsung 8k television is a very high-end product, appealing to an upper tier market. With a ticket price approx. \$79,000, we believe consumers are likely to do extra research before taking one to the checkout counter.