

COMPLAINT NUMBER	19/319
COMPLAINANT	R Turner
ADVERTISER	BP Oil NZ LTD
ADVERTISEMENT	Smart Fuel, Television
DATE OF MEETING	24 September 2019
OUTCOME	Not Upheld No Further Action Required

Description of Advertisement

The 30 second version of the BP Smartfuel television advertisement shows a man being served at a BP counter, with the BP employee saying, “Do you want to use your discount now or later?” The customer says, “Now’s good.” The teller than says “You just saved \$21 with AA Smartfuel” The customer has a fantasy scene where he unzips his body to become a dancing William Waiirua. The voiceover says “Well that was a little bit exciting. Every day, brighter.” The text which appears on screen as the customer is served says “Find out how to save at AASmartfuel.co.nz/bp

Summary of the Complaint

The Complainant is concerned the advertisement is misleading to say you ‘just’ saved \$21 when he was redeeming his accumulated discounts from multiple visits to BP.

Issues Raised

- Truthful Presentation

Summary of the Advertiser’s Response

The Advertiser said the statement “You’ve just saved \$21 with AA Smartfuel” is a true and accurate statement as the customer has just paid \$21 less than the total cost of his fuel purchase.

The Advertiser noted that text which appears on screen also directs customers to the website which details how this saving was accumulated in the “Save like Dave” section.

Summary of the Media Response

The Commercial Approvals Bureau deferred to the Advertiser for the actual discount details. They said it was not misleading to use the word ‘just’ if the purchase being shown had saved the customer by utilising the accumulated discount.

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a BP’s AA Smartfuel advertisement which showed a customer spending his accumulated discount rewards to save \$21. The Complaints Board unanimously agreed the save and spend rewards system was clearly promoted in the advertisement and further information about the reward scheme was available on the Advertiser’s website.

Relevant ASA Codes 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.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was that by using BP rewards you can save money on purchases at BP stations.

Is the advertisement misleading?

The Complaints Board said the statement in the advertisement “You’ve just saved \$21 with AA Smartfuel” is not misleading consumers.

The Complaints Board noted there was a 30 second and a 15 second version of the advertisement and the spot list provided by the Advertiser confirmed the Complainant had viewed the 30 second version. The Board said the opening sentence of the advertisement, “Do you want to use your discount now or later?”, had introduced the consumer to the concept of the Smartfuel reward system. It shows the customer has been saving for a discount and is now choosing to spend it, meaning he had ‘just’ saved himself \$21 on his current purchase.

The Complaints Board noted that reward-based systems are not a new concept within the fuel industry, meaning that consumers are likely to be familiar with how they operate and understand it takes time to accumulate savings.

The Complaints Board noted the Advertiser had made additional information available for consumers on its website and clearly laid out the breakdown of how the accumulated discounts were earned.

The Complaints Board said the advertisement had not misled or deceived consumers, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards 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. 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 R TURNER

BP state the customer has just saved \$21. This is not correct as he would need to visit BP a number of times to accumulate his discounts. He has not "just saved \$21" He has redeemed his accumulated discounts.

Appendix 2

RESPONSE FROM ADVERTISER, BP OIL

We refer to your email of 2 September 2019 and the accompanying complaint made by R. Turner to the Advertising Standards Authority (ASA). BP does not believe that the advertisement referred to breaches Principle 2, Rule 2(b) as laid out in the Advertising Standards Code (ASC) Principles and Rules.

Principle 2, Rule 2(b) - 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.

- The complainant suggests that it is not correct to say the customer has "just" saved \$21. In the advert, the BP customer service representative says, 'You've just saved \$21 with AA Smartfuel,' which is a true and accurate statement. The customer, Dave, has just paid \$21 less than the total cost of his fuel purchase, as a result of using his AA Smartfuel discount. This is a saving of \$21.
- When the BP customer service representative says, 'You've just saved \$21 with AA Smartfuel' (at 0:02") a statement is displayed on screen for 3 seconds. The statement says, 'Find out how to save at AASmartfuel.co.nz/bp'. On this webpage it details how Dave saved and this was always live while the campaign was on air. (Refer: BP_Response_Document_ASAComplaint_19_319.pdf for the website copy.) The same information was also displayed on the BP website [https://www.bp.com/en_nz/new-zealand/home/products-and-services/promotions-and-rewards/save-like-dave.html].
- The BP TV commercial is a brand campaign designed to entertain the viewer and demonstrate the joy a customer feels when they save with AA Smartfuel at BP. This advertisement does not in any way mislead, deceive or confuse consumers.

The advertisement was prepared with a due sense of responsibility to consumers and to society. BP takes compliance with its obligations under the ASC Rules, and all other requirements, incredibly seriously. BP does not believe the use of line 'You just saved \$21 with AA Smartfuel' in any way breaches any ASC Rule.

A basic, neutral description of the advertisement	The BP TV commercial is a brand campaign designed to entertain the viewer and demonstrate the joy a customer feels when they save with AA Smartfuel at BP.
Date advertisement began	14 April 2019 – Burst 1 17 August 2019 – Burst 2
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Burst 1 TV (15" & 30") YouTube (30"), Programmatic Video (15" & 30") Video on Demand (30"), BP Website (30") Burst 2 TV (15" & 30") YouTube (30"), Programmatic Video (15" & 30") Video on Demand (30"), BP Website (30")
Is the advertisement still accessible – where and until when?	Yes – until 28 September 2019 TV, YouTube, Programmatic Video, Video on Demand, BP Website
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	
Who is the product / brand target audience?	All Adult Drivers, 25-54
Clear substantiation on claims that are challenged by the complainant.	The complainant suggests that it is not correct to say the customer has “just” saved \$21. In the advert, the BP customer service representative says, ‘ <i>You’ve just saved \$21 with AA Smartfuel,</i> ’ which is a true and accurate statement. The customer, Dave, has just paid \$21 less than the total cost of his fuel purchase, as a result of using his AA Smartfuel discount. This is a saving of \$21. When the BP customer service representative says, ‘ <i>You’ve just saved \$21 with AA Smartfuel</i> ’ (at 0:02”) a statement is displayed on screen for 3 seconds. The statement says, ‘ <i>Find out how to save at AASmartfuel.co.nz/bp</i> ’. On this webpage it details how Dave saved

and this was always live while the campaign was on air.

The exact information displayed at [AASmartfuel.co.nz/bp](https://www.aasmartfuel.co.nz/bp) is:

Save like Dave

AA Smartfuel is a really great way to save.

Swiping and saving can feel like an awesome little victory in your day - a fist-pumping moment of mini celebration.

And that's exactly how Dave from Auckland felt the other day when he swiped his card at BP and knocked a massive \$21 off his last fuel up.

Here's how he did it:

- He earned 30c per litre from having the Fuel Rewards Plus plan with Contact [<https://www.aa.co.nz/aasmartfuel/shop-earn-fuel-discounts/contact-energy/>]
- Then another 6c per litre when he spent \$200 in one week and swiped his registered card at Countdown [<https://www.aa.co.nz/aasmartfuel/shop-earn-fuel-discounts/countdown/>]
- And finally, he got 6c per litre from BP when he spent \$40 on fuel and swiped his registered card.

That added up to a whopping 42c per litre, so when he filled up with 50 litres at BP and redeemed his discount, he saved \$21.00.

As a result, he had a disco dance moment. And weirdly that celebration looked a lot like William Waiirua cutting some shapes. But don't take our word for it, watch BP's latest ad and see for yourself.

Usual terms and conditions apply. [<https://www.aa.co.nz/site-info/terms-and-conditions/aa-smartfuel/>]

This same information is re-stated on the BP website.

	https://www.bp.com/en_nz/new-zealand/home/products-and-services/promotions-and-rewards/save-like-dave.html
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	
For Broadcast advertisements:	
A copy of the script	<p>BP CSR:</p> <p><i>Do you want to use your discount now or later?</i></p> <p>Customer Dave:</p> <p><i>Now's good.</i></p> <p>BP CSR:</p> <p><i>You just saved \$21 with AA Smartfuel.</i></p> <p>VO:</p> <p><i>Well that was a little bit exciting.</i></p> <p>VO:</p> <p><i>BP. Everyday, brighter.</i></p>
A copy of the media schedule and spot list (Please remove all financial information)	<i>See email attachment</i>
CAB key number and rating	<p>Key Number: BP1240_30_1</p> <p>CAB Approval Number: 90801023</p> <p>CAB Rating: G</p> <p>Key Number: BP1240_15_2</p> <p>CAB Approval Number: 90801024</p> <p>CAB Rating: G</p>
For Digital advertisements:	
What platform tools have you used to target your audience?	Nielsen Arianna and TV Map

Appendix 3**RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU**

CAB generally accepts advertisers' price and discount claims on good faith and will therefore defer to BP Oil NZ to provide substantiation for the \$21 statement. That said, even if the discount mentioned in this commercial had been accumulated (as contested by the complainant) it would not be misleading to state that the purchaser had "just saved 21 dollars" on a particular transaction as that is how the accumulated discount was utilised.