

<b>COMPLAINT NUMBER</b>	19/428
<b>COMPLAINANT</b>	W Mills
<b>ADVERTISER</b>	Apple Inc.
<b>ADVERTISEMENT</b>	Apple Watch Series 5, Television
<b>DATE OF MEETING</b>	4 November 2019
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Apple Watch Series 5 says: “This watch tells time and takes phone calls and communicates with satellites thousands of miles above the earth and tracks your distance under water and tracks your activity and tells you which direction you’re going and calculates your heart rate using an app that measures the electrical waves travelling through your heart. So Just to reiterate, this watch tells time, (among other things).”

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, W Mills, said:** This ad for the Apple iWatch Series 5 states:

‘This watch communicates with satellites whilst showing a view zooming from a satellite into the face of the watch showing a partial address.

This contravenes Rule 2(b) - Truthful presentation, as the claim made is not accurate and can lead consumers to believe the watch has abilities beyond that which it has.

The phrase ‘communicates with’ as used in this sense, is defined by the MacMillan Dictionary as: to express thoughts, feelings, or other information to another person or animal.

This implies a 2-way passing of information. The iWatch only received GPS signals in the form of a timing signal which software on the watch processes to provide a location. The watch does not, in any way, send signals to the GPS satellites

**The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);**

**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.

**The Chair** noted the Complainant’s concern it is misleading to say the device can communicate with satellites, which could imply a 2-way passing of information.

The Chair said the likely consumer takeout of the advertisement would be the watch, in conjunction with an iPhone, uses satellites for transmitting information. The Chair did not consider the advertisement gave the impression the communication was a 2-way transmission.

The Chair said that most consumers looking to purchase a product in this price range 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.

The Chair said the advertisement did not reach the threshold to breach Principle 2 and Rule 2(b) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling:** Complaint **No Grounds to Proceed**

#### **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.