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| COMPLAINT NUMBER | 19/430 |
| COMPLAINANT | G. Barnsley |
| ADVERTISER | Hot Springs Spas |
| ADVERTISEMENT | Hot Springs Spas Television |
| DATE OF MEETING | 20 November 2019 |
| OUTCOME | Settled |

Advertisement The television advertisement for Hot Springs Spas was promoting their endless pool swim spa and showed images of the swim spa in different properties. The voiceover lists the benefits of installing a swim spa and includes the wording “with very little red tape to install”. The advertisement ends with the Hot Springs Spas logo on screen.

The Chair ruled the complaint was Settled

Complainant, G. Barnsley, said: Advertising a swim spa product which shows a swim spa that has an open stair to access the pool, is not restricting access by small children, and does not meet Building Code pool safety requirements (NZBC F9).

There is no commentary or wording advising of Building Code requirements, and the potential danger to children of a swim spa that does not meet Code requirements.

The advertisement does not provide sufficient and appropriate information to potential purchasers, to allow them to make an informed decision on their purchase.

The relevant provisions were Advertising Standards Code Principle 1 and Rule 1(e)

The Chair noted the Complainants concerns that the advertisement did not meet the legal requirements for fencing.

BM Media on behalf of the Advertiser, Hot Springs Spas said: We were forwarded your email regarding abovementioned complaint for response. Looking into the matter as requested we are advised under the NZBC F9 a safety barrier of a minimum 1.2m high must be available for anything that is not considered a small heated pool.

The televisions commercial referenced uses stock video footage filmed in the USA by the manufacturer. Without the product noted within this TVC meets or exceeds the safety barrier requirement, i.e. pool wall, more than 1.2m high. The steps shown with the product noted within this TVC are lightweight and easily movable by an adult.

The product with steps whether permanent, removable, collapsible or otherwise further safety barriers under NZBC F9 would be required. Our client has asked us to include terms and conditions on future TVC's and other advertising to include wording similar to Installation of a pool or spa must comply to NZBC F9 throughout New Zealand and is the responsibility of the purchaser to check with relevant local body authorities for further information,

It is also worth noting that the last day of broadcast of this TVC was Sunday 3 November 2019 and will not be rescheduled at a later date.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken amending the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was settled.

Chair's Ruling: Complaint **Settled- advertisement changed**

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.