

COMPLAINT NUMBER	20/347
ADVERTISER	Pokeno Village Estate
ADVERTISEMENT	Pokeno Village Estate, Radio
DATE OF MEETING	17 August 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Pokeno Village Estate's radio advertisement promotes their house and land packages available at the Gateway Business Park. The advertisement refers to the benefits of buying and living in Pokeno. The advertisement says in part; "Just 20 minutes from Manukau, Pokeno is well known for its affordable lifestyle".

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

Complaint: This radio advert has been playing for some time. I now have the details of a specific airing.

It is not clear who the advertiser is but it concerns the sale of building sections in Pokeno. I believe it is Pokeno Village Estates part of Dines Fulton Hogan.

The advertisement states Pokeno is 20 MINUTES from Auckland. I claim that this is an incorrect statement based on the following:

As you leave Pokeno heading towards Auckland by the fastest available transport, a car, via the fastest route which is State Highway 1 [SH1] there is a sign on the Waikato side of the Bombay Hills stating that it is 50km to Auckland. The maximum speed on SH1 is 100km/h, simple arithmetic would conclude that it takes AT LEAST 30 MINUTES to reach Auckland.

On a good day I have managed to maintain 100km/h on this route and the time to travel from Pokeno to the Nelson Street off ramp, a distance of 50km, is about 35 minutes.

Obviously it is a rare occurrence to maintain 100km/h on the Auckland section of SH1 with traffic often coming to a standstill.

Clearly the statement in the radio advertisement is at a minimum misleading and I claim it is entirely false.

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 the advertisement was misleading consumers with the travel time quoted.

The Chair carefully reviewed the advertisement and confirmed the advertisement script said that Pokeno was 20 minutes from Manukau rather than 20 minutes from Auckland. The

Chair said calculating the travelling distance to Pokeno from Manukau made the claim more specific and meant the advertisement was unlikely to mislead or deceive consumers.

The Chair said the advertisement was an invitation to find out more about Pokeno Village Estate and consumers would likely conduct their own research before purchasing a house and land package.

The Chair said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code. The Chair said 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.