

<b>COMPLAINT NUMBER</b>	20/455
<b>ADVERTISER</b>	Brand Developers Ltd
<b>ADVERTISEMENT</b>	iTread, Television
<b>DATE OF MEETING</b>	19 October 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Brand Developers television advertisement promotes their iTread exercise machine and offers viewers a trial period for \$14.99. The advertisement includes details about a postage and handling fee of \$49.99 in the small print on screen and tells customers that return shipping is their responsibility.

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

**Complaint 1:** There is a current TV Ad for an itread exercise machine. Voice over announces home trial for only \$14.99. But in very fine print plus P&H from \$49.99. So if this is not for you the Free only \$14.99 balloons to over \$100 by the time return costs are accounted for. My contention is the "try for only \$14.99" is very misleading when the real cost of a free trial is in fact well over \$100.

**Complaint 2:**

Tv one at 5.50pm 22nd September 2020  
TV Shop ad for treadmill  
Just like all the other tv shop ads, they give a price for a short trial period, never the full price  
I find this very underhand and not giving the full picture

**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 Complainants' concerns the advertisement is misleading to quote a trial period price when there are additional charges.

The Chair carefully reviewed the advertisement and said although the advertisement does use the wording "You can try iTread in your own home for 30 days risk free for only \$14.99", there is a qualifier on screen which says "plus P&H from \$49.99." Additionally, the text on screen shows the wording "Return shipping is the customer's responsibility."

While the Chair acknowledged the Complainants' frustration the advertisement doesn't give an total price for the trial period including postage and handling, she said the inclusion of the qualifiers meant the advertisement was not misleading and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

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

**Chair's Ruling:** Complaints **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 calendar days of receipt of this decision.