

COMPLAINT NUMBER	20/537
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Fish Harvester, Television
DATE OF MEETING	27 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Brand Developers television advertisement promotes the Conrad Meier Fish Harvester. The advertisement also offers the viewer an additional product for free when a purchase is made. The voiceover says in part: “You will also receive an amazing Air Roaster Pro, for fat free, oil free cooking, absolutely free. Just pay separate processing and handling.” The advertisement includes text with the wording “FREE Just pay separate P&H” alongside the product.

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

Complaint: An advert for the fish Harvester included an offer for an oven that was declared as being absolutely free. This was followed by a mention of an additional packing and delivery charge of some sort. The word "absolutely" has a meaning of [with no qualification, restriction, or limitation; totally.] In the context of this advertisement, one could be lured into making a call to the advertiser having heard the phrase, "absolutely free". I feel the advertiser should not use the additional word of absolutely, when in fact it is not the case. Alternatively the advertiser could honour its offer without any qualification.

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 is misleading to use the term “absolutely free” when there are additional charges.

The Chair carefully reviewed the advertisement and said although the advertisement does use the wording “absolutely free” there is a qualifier in the voiceover which says “Just pay separate processing and handling.” Additionally, the text on screen shows the word “FREE” and features the wording “Just pay separate P&H” directly underneath.

While the Chair acknowledged the Complainant’s frustration, she said the fact that the product itself had no cost, together with the inclusion of the qualifiers, meant the advertisement could not be considered 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 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.