

COMPLAINT NUMBER	20/332
ADVERTISER	Resene
ADVERTISEMENT	Resene Out of Home
DATE OF MEETING	27 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Resene in-store advertisement promotes their Lumbersider waterborne low sheen 10 litres white paint. The text in the advertisement says: "Tinting and PaintWise levy* extra (* Additional PaintWise levy of \$1.50 applies per 10L pail in PaintWise service areas) - \$209.90 - NOW \$157.43 Save \$52.47..." A pricing list for different colours (off white, light-pastel, mid-ultra and coolColour) was also included.

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

Complaint: This type of instore advertising is NON TRANSPARENT and misleading . There was NO mention to carefully read the small print NOR did the sales person draw my attention to it.

When I nasked for the colour that I needed I was told that they tint the base.

NO MENTION was made of EXTRA Costs.

I should NOT have to be in the habit of checking for all small print in store when I see the displayed in front of me exactly what was needed .

Instead of expecting to pay \$315.00 for two tubes I was charged nearly \$380.00 If I was made aware of this properly I would NOT have purchased what I did was the difference is a larhe chunk out of my pension. .

Advertising boards etc should be CLEARLY transparent and not left to "fool" unsuspecting customers.

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 concerns the advertisement was misleading.

The Chair referred to the text in the body of the advertisement which said that "tinting" was extra. There was also a price list in the body of the advertisement for different types of colours, with darker colours being more expensive.

The Chair said 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 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.