

COMPLAINT NUMBER	20/549
ADVERTISER	TRG Imaging
ADVERTISEMENT	TRG Imaging, Website
DATE OF MEETING	23 November 2020
OUTCOME	No Grounds to Proceed

Advertisement: The TRG Imaging website advertisement has a home page with an address and map of the business location and stipulated their opening hours as being Monday to Friday from 8.30am till 6.00pm.

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

Complaint: When calling the message on the phone system says that no appointment is required for an XRAY "simply visit our site with your Doctors referral" "see our website for a list of opening times"

Opening times of website stipulate closes at 6pm.

Actual closing time for walk in services is 5.45pm

Their company policy is to see A+E patients referrals only in the last 15 mins of the day - all other patients are turned away.

Website needs to be updated to reflect their correct closing time.

I have tried contacting their head office, but have received no response.

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 website advertisement was misleading to state a closing time of 6pm when walk in patient times end at 5:45pm.

The Chair said the advertisement was correct to state that opening hours for the practice were 8:30 am Monday to Friday and closing at 6:00pm as this is when the premises are open. The Chair obtained confirmation from the Advertiser that cut off times for patients depends on patient numbers and complexity of cases on the day. The Advertiser said a judgment call is made at 5.45pm as to whether to accept any more patients for the day.

The Chair said that given the nature of the Advertiser's business, most consumers would be aware that X-rays, scans and ultrasound procedures can take time and it was not practical for certain procedures to commence just before closing time. The Chair said this was a reasonable business practice and did not make the advertisement misleading.

The Chair said the advertisement 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.