

COMPLAINT NUMBER	20/613
ADVERTISER	Farmers Trading Company
ADVERTISEMENT	Farmers Digital Marketing
DATE OF MEETING	17 December 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Farmers website advertisement for the Clarins Super Restorative Daily Collection says "\$175 or 5 payments of \$35.00 interest free with **hum** - Gift with Purchase - FREE Clarins 6-piece Christmas Cracker Set when you spend \$160 or more on Clarins - Find out more - Terms & Conditions - Excludes Gift Sets, Value Packs & Clearance items ...Sorry out of stock online, currently available in store...".

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

Complaint: Clarins Super Restorative Daily Collection is advertised on the Farmers website. Clearly underneath are two offers - double points and a Gift With Purchase if you spend over \$160.

There is a further ad for this Gift With Purchase further down the listing of the collection I wanted to buy. The initial ad is also highlighted with a purple giftbox which is an indication of their special offers.

However when I ordered it by phone today I was told the Super Restorative Daily Collection was excluded from this offer.

Isn't this false advertising - when you click down and read the terms and conditions, it says so there, but why advertise the offer of the Gift With Purchase in the first place when you are never going to get it?

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.

The Chair noted that while the advertisement for the Clarins Super Restorative Daily Collection did refer to a Gift with Purchase, where the consumer spends \$160 or more on Clarins, this offer was qualified later in the advertisement. The Chair said further down the page the advertisement said the gift offer did not apply to gift sets.

The Chair said when read in its entirety the advertisement was not likely to mislead or confuse consumers, and therefore the advertisement did not meet the threshold to breach 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.