

COMPLAINT NUMBER	21/027
ADVERTISER	Animates
ADVERTISEMENT	Animates, Instore
DATE OF MEETING	1 February 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Animates advertisement is an instore promotion for their frequent feeder program. The advertisement offers customers who buy any dog or cat food 15% off their next food purchase. The advertisement states that conditions and exclusions apply.

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

Complaint: in store pricing showing a discount on the shelves, but discount applies to future purchase. I shopped instore this morning and was greeted with a 15% off sign, but the fine print shows the product isnt 15% off, the next product you buy within 60 days is 15% off. Details of the program are attached.

This is NOT good advertising, and I think this is underhanded.

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 to advertise 15% off future rather than current purchases.

The Chair said the likely consumer takeout of the advertisement is there is an offer of 15% off the next purchase of cat or dog food. She said the signage is sufficiently clear, using an adequate font size, that consumers can "enjoy 15% off your next food purchase." The Chair said the name of the promotion, "Frequent Feeder", adds context to the advertisement which is aimed at repeat customers rather than a one-off consumer.

The Chair said the advertisement was not likely to mislead or confuse consumers given the terms of the offer are clearly stated. 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.