

<b>COMPLAINT NUMBER</b>	21/255
<b>ADVERTISER</b>	Mercury Energy
<b>ADVERTISEMENT</b>	Mercury Energy, Television
<b>DATE OF MEETING</b>	17 May 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Mercury Energy television advertisement is set to the song “Kiss and Say Goodbye” by The Manhattans. The advertisement shows people saying goodbye to their petrol fuelled vehicles and bypassing petrol stations in their electric driven cars. The text says “Kiss Oil Goodbye. Join the Electric Revolution.”

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

**Complaint:** The advertisement by Mercury Energy slogan is Join the Electric Revolution. This is dishonest and misleading by Mercury Energy as per the advertising Standards Code Rule 2b.

Last year I paid over \$9000 deposit for Mercury Energy to install solar panels on my house. After waiting 9 months for them to deliver, they contacted me and simply said they were not going to install the panels as Mercury Energy had closed down that part of their business. They refunded my money and paid a small sum for the inconvenience that had caused. The Advertisement is misleading as it implies that Mercury Energy is pro solar power. and encouraging people who want to go solar to join them. In reality they do not honor their commitments to install solar power.

**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 was concerned it was misleading for the Advertiser to claim to be part of the electric revolution and imply it supports solar power when this was not their personal experience.

The Chair carefully reviewed the advertisement and said the likely consumer takeout was that as part of its energy offerings, Mercury Energy is helping its customers to kiss oil goodbye by joining the electric car revolution.

The Chair acknowledged the Complainant had expressed concerns about service issues with the Advertiser, however she said she could only consider the claims made in the advertisement before her. She said the brand advertisement did not make any reference to

solar energy and was only making general claims about being involved in the electric revolution by supplying electricity for electric cars.

The Chair ruled 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.