

COMPLAINT NUMBER	21/484
ADVERTISER	Fishpond
ADVERTISEMENT	Fishpond Website
DATE OF MEETING	5 October 2021
OUTCOME	Settled

Advertisement: The Fishpond gallery view of results for a search for "The Joy Luck Club" shows several copies of the book by Amy Tan. For each product, the web page shows a product image, name and states the advertiser's price. Next to the price, the caption highlights the price "elsewhere" with a strikethrough, and in red states "Save \$__ (x%)".

The Chair ruled the Complaint was Settled.

Complaint: Fishpond advertises a version of Amy Tang's "The Joy Luck Club" for \$26.99 claiming that Elsewhere \$33.41 Save \$6.42 (19%).

Two leading bookshops in Auckland - The Women's Bookshop
https://www.womensbookshop.co.nz/p/fiction-the-joy-luck-club--2?barcode=9780749399573&search_key=The+Joy+Luck

and Time Out Bookstore
https://shop.timeout.co.nz/p/fiction-the-joy-luck-club--3?barcode=9780749399573&search_key=The+Joy+Luck

both advertise the same version online for \$27.00.

If I hadn't already searched their websites prior to Fishpond I would have been misled to believe that the next best price for the book was \$6.42 more. I found a similar presentation for e.g. "The Glass Hotel". I do note that Fishpond offers free delivery on The Joy Luck Club whereas Bookshop \$6.00 delivery to my address for the same book. But that is not what Fishpond's advertising is claiming or leads the reader to understand.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b)

The Chair noted the Complainant was concerned the advertisement was misleading as the price of the books was higher than other retail stores.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

Upon receipt of the complaint, the Advertiser amended the advertisement by removing the price comparison.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action of amending the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

Chair's Ruling: Complaint **Settled**

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.